# **PLANNING COMMISSION MEETING**

City of Gardner, Kansas Council Chambers, City Hall Monday February 22, 2021 7 p.m.

# **CALL TO ORDER**

The meeting of the Gardner Planning Commission was called to order at 7:01 p.m. on Monday February 22, 2021, by Chairman Scott Boden.

# **PLEDGE OF ALLEGIANCE**

Chairman Boden led the Pledge of Allegiance.

# **ROLL CALL**

Commissioners present:

Chairman Boden

Commissioner Ford

Commissioner Ham

Commissioner Meder

Commissioners absent:

Commissioner McNeer

Commissioner Hansen

Staff members present:

Robert Case, Chief Planner

David Knopick, Community Development Director

Spencer Low, City Attorney

Melissa Krayca, Administrative Assistant

There was 1 member of the public in attendance.

# **CONSENT AGENDA**

1. Approval of the minutes as written for the meeting on January 26, 2021.

Motion made by Commissioner Ford to approve the consent agenda item, seconded by Commissioner Meder.

Motion passed 4-0.

# REGULAR AGENDA

1. SP-20-09: Site Plan Review for Freddy's and Small Commercial Pad Site

Mr. Robert Case, Chief Planner, presented the information found in the staff report for this project located at the Northeast corner of E Main Street and Cedar Street. The property is zoned C-2 and includes lots 1 and 2 of the Blue Valley Subdivision. Freddy's will be located on lot 1 and the entire site is also within the recently adopted Gardner Main Street Corridor Plan area. The site

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plan provides for ample access to the site from Cedar and Shawnee Streets and a shared cross-access with the QuikTrip property to the east. The building meets design standards with a variety of complementary materials, awnings and parapet heights to add interest. The site plan shows the required number of trees and shrubs. Sidewalks shall be installed along all street fronts, with the sidewalks along Main Street are to be moved closer to the property line and further away from the curb. This is one of the conditions for approval. Staff has found that the site is capable of accommodating the buildings, uses and other site design elements. The design and arrangement of buildings and open space is consistent with good planning and landscaping design and is in substantial compliance with the code. Staff recommends approval of the Site Plan with conditions.

Dan Willems on behalf of Freddy's and Austin Lange, BHC Rhodes Architecture & Engineering were present via zoom to answer any questions.

#### **COMMISSION DISSCUSSION:**

Commissioner Meder stated she likes the recommendation for the sidewalk to be set back further from the curb and is happy to see no entrance/exit on Main Street.

Commissioners Ham, Ford and Boden did not have comments but were pleased with the Site Plan for Freddy's.

Motion was made after review of Application SP-20-09, a site plan for Freddy's, located at the northeast corner of Main and Cedar Streets, and site plan dated January 22, 2021, and staff report dated February 22, 2021, that the Planning Commission approve the site plan application provided the following conditions are met:

- 1. Moving the sidewalk along Main Street to at least 6' from the back of curb and coordinate construction of the sidewalk with the City Engineer;
- 2. Approval of the Traffic Impact Study and Storm Water Management Plan by the City Gardner Public Works Department prior to the issuance of a building permit; and
- 3. Before any development can occur on Lot 2, a site plan application will need to be submitted and approved

Motion by Commissioner Ford and seconded by Commissioner Ham. Motion passed 4-0.

# 2. Consideration of proposed Title 17 Land Development Code amendments (Public Hearing)

Mr. Dave Knopick, Community Development director presented the proposed amendment revisions to several chapters of Title 17 Land Development Code. Over the past few months staff has encountered several sections of the LDC that require adjustment, clarification or updating in the various chapters of the LDC. The proposed amendments were provided to the Planning Commission at the January 26, 2021 meeting. Subsequently, the proposed amendments have been reviewed by the City Attorney and a public hearing notice has been published for consideration of the proposed amendments at this meeting.

Mr. Knopick presented a summary presentation of the issues to be addressed, by the specific

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proposed revisions and potential changes in the staff report, per the following framework.

# Chapter 17.01 General Provisions

The proposed language in this section is related to the zoning of annexed land. The current language, which states that the zoning classification of property changes from the prior jurisdiction's zoning district to a corresponding City zoning district when the land is annexed into the City, is in conflict with State of Kansas court rulings / findings. Therefore, changes are proposed to address the rezoning of annexed land and nonconformities resulting from such annexation and rezoning activities.

# Chapter 17.02 Definitions

Current and past staff, through previous review of the LDC, identified the need for clarification of several existing definitions and the addition of a few new definitions to assist with the administration / interpretation of the regulations.

# Chapter 17.03 Applications and Procedures

The Planning Commission had previously heard a case related to a mobile home community. As part of that case there were two issues related to the LDC that were identified. The first issue was related to the length of time a conditional use permit shall be valid. The proposed language changes are intended to address / clarify the establishment of a period of time associated with a conditional use permit and the allowance for an extension of such permit.

Additionally, in this chapter there has been some confusion related to the administrative adjustment process terminology and when the Director is authorized to make administrative adjustments and when the Planning Commission is authorized to do so. The suggested changes clarify the role of the Director and the Planning Commission, and provide additional administrative discretion to both in regard to the consideration of administrative adjustments. The recommendation is that the Director would have 10% adjustment discretion for administrative site plan reviews and the Planning Commission would have 20% adjustment discretion for site plan reviews.

# Chapter 17.05 Zoning Districts and Use Standards

Another previously identified issue in relation to mobile home communities was the requirement of a conditional use permit for a manufactured / mobile / micro home community within the only zoning district which allows such use. This proposed adjustment would change such use from a conditional use to a permitted use in the RM-P district subject to the standards in Section 17.06.020.

Additional proposed changes in this chapter have to do with the placement of temporary offices at construction and development sites. Such office would be considered a temporary use and under the current code would not be allowed in a residential zoning district. The potential changes would allow the placement of temporary construction / sales offices on residential construction / development sites in residential districts within the parameters outlined.

# **COMMISSION DISSCUSSION:**

Commissioner Ham stated all of the changes make sense and understood the rationale after reading all of the proposed changes side by side. She is glad that the administration noticed the necessary adjustments to be made.

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Commissioner Meder agreed the changes were needed. She had questions concerning Chapter 17.02 the definition of xeriscaping. Mr. Knopick explained that xeriscaping was a landscaping method incorporating lower water usage materials and plants involved to reduce or eliminate the need for irrigation.

Commissioner Meder also inquired about the increase in the percentage for administrative adjustments, and if the proposed increase would be more effective in addressing know issues. Mr. Knopick stated this adjustment appeared to be a good starting point without dramatically increasing administrative discretion. Staff will be monitoring the use of the increase in different situations and may bring further adjustments to the percentages forward in the future.

Commissioner Ford is in agreement that all of the changes make sense and the presentation was well done.

Commissioner Boden stated he was happy to see all the changes made, and the proposed administrative adjustments would have come in handy during the building of the new Price Chopper.

Motion made after review of the proposed Title 17 Land Development Code amendments, staff report dated February 22, 2021, that the Planning Commission recommend approval of the proposed amendments as presented.

Motion by Commissioner Meder and seconded by Commissioner Ham. Motion passed 4-0.

# **DISCUSSION ITEMS**

There were no discussion items.

# **ADJOURNMENT**

Motion to adjourn made by Commissioner Ford and seconded by Commissioner Meder. Motion passed 4-0.

Meeting adjourned at 7:34 pm.

# **New Business Item No. 1**

PLANNING COMMISSION STAFF REPORT MEETING DATE: FEBRUARY 22, 2021 PREPARED BY: ROBERT CASE, PLANNER

PROJECT NUMBER / TITLE: SP-20-09: Site Plan Review for Freddy's and a Small Commercial

Pad Site

# PROCESS INFORMATION

Type of Request: Site Plan Review Date Received: December 15, 2020

# **APPLICATION INFORMATION**

**Applicant:** Austin Lange, BHC Rhodes Architecture and Engineering **Owner:** Henzlik Real Estate Companies, LLC, Douglas Henzlik

Parcel ID: CP07000000 0001, CP07000000 0001A and CP07000000.0002

**Location:** Lot 1 and 2 of Blue Valley Subdivision, and more specifically located on the northeast

corner of N Cedar Street and E Main Street.

# **REQUESTED ACTION**

The applicant requests approval of a site plan review for a restaurant and a commercial pad site on an approximately 1.8 acres.

# **EXISTING ZONING AND LAND USE**

The subject properties are currently vacant on platted land zoned C-2 (General Commercial) District.

# **SURROUNDING ZONING AND LAND USE**

Zoning	Use(s)					
North of sub	ject property					
C-2 (General Commercial) District and R-2 (Two Family) District	Grocery Store, Single-Family House					
East of subject property						
C-2 (General Business) District	Convenient Store					
South of sub	ject property					
C-3 (Heavy Commercial) District	Retail Store					
West of subject property						
C-3 (Heavy Commercial) District and R-2 (Two Family) District	Restaurant, Single-Family House					

# **EXISTING CONDITIONS**

The site plan is for the vacant lots south of the new Price Chopper Grocery Store along Main Street. The lots will eventually be surrounded by commercial uses. All utilities are located on the site.



# **BACKGROUND / HISTORY**

Annexation of this development in its entirety occurred at different times over a 40 year period, from 1954 through 1994. Several plats and site plans have been approved over a 20+ year period, and results today in a partially completed development with a strip center, small retail / office strip building along Lincoln Lane, large grocery store for Price Chopper, and three outparcel buildings along US 56 Highway. Today, there are still several vacant lots.

The most recent project to be approved by the City was for the Price Chopper. The Administrative Plat was approved by the Planning Department and recorded in January 2021.

# **CONSISTENCY WITH COMPREHENSIVE PLAN**

Recently, the City adopted the *Gardner Main Street Corridor Plan* and incorporated that plan into the *2014 City of Gardner Comprehensive Plan* by reference. This plan built upon previous planning studies to bring a cohesive vision to enhance the quality of life and provide a sense of place, among other goals, to the Main Street corridor. This development is included in the study area of the Main Street Corridor Plan, and has been identified as "Community Mixed Use" on the

Future Land Use map. The Future Land Use map included in the Main Street Corridor Plan supersedes the Future Land Use map in the Comprehensive Plan on those parcels within the study area.

A 2018 amendment to the Comprehensive Plan describes the "Community Mixed Use" future land use in part as: "intended to provide retail and professional services for the everyday needs of the people residing or working in the community. Uses should be limited to those that meet the needs of residents such as civic uses, grocery and retail stores, restaurants, hotels, professional services, and entertainment venues, as well as office and medical commercial uses." The proposed restaurant use is consistent with the future land use description of the Comprehensive Plan.

# **STAFF ANALYSIS**

#### SITE PLAN

# 17.03.060 (B) Review Criteria:

1. In general, any site plan in compliance with all requirements of this Code shall be approved.

**Staff Comment:** The following elements have been added by the applicant for optimal compliance with the Code:

- Sidewalks will be moved to the north off of Main Street to allow pedestrians to safely walk along the street.
- 2. In making a determination of compliance, or for site plans accompanying any discretionary review or administrative relief, the review body shall consider whether:
- a. The site is capable of accommodating the buildings, proposed use, access and other site design elements required by the Code and will not negatively impact the function and design of rights-of-way or adjacent property.

**Staff Comment:** The site is capable of accommodating the buildings, proposed use, access and other site design elements required by the Code and will not negatively impact the function and design of rights-of-way or adjacent property.

b. The design and arrangement of buildings and open spaces is consistent with good planning, landscape design and site engineering principles and practices.

**Staff Comment:** The design and arrangement of the building is consistent with good planning and landscaping design principles and practices.

c. The architecture and building design uses quality materials and the style is appropriate for the context considering the proportion, massing, and scale of different elements of the building.

**Staff Comment:** This is a small building that offers a variety of complementary materials and parapet heights to add interest. Staff finds this criteria is met.

d. The overall design is compatible to the context considering the location and relationships of other buildings, open spaces, natural features or site design elements.

**Staff Comment:** The site is beneficially related to adjacent parcels by the shared access drive and public sidewalk along Main, Cedar and Shawnee Streets. The materials used are compatible with the adjacent properties. Staff finds this criteria is met.

e. Whether any additional site-specific conditions are necessary to meet the intent and design objectives of any of the applicable development standards.

Page 4

**Staff Comment:** No additional site specific conditions are necessary for this project.

3. The application meets the criteria for all other reviews needed to build the project as proposed.

**Staff Comment:** The Traffic and Stormwater Management Plans are pending approval by Public Works. The final plat will also need to be recorded before the building permit is approved. These are all recommended conditions of approval.

4. The recommendations of professional staff.

**Staff Comment:** Staff recommends approval of the site plan SP-20-09 with conditions outlined in the staff recommendation below.

# STAFF ANALYSIS - INFRASTRUCTURE / OTHER

# WATER, SANITARY SEWER, STORMWATER, ELECTRIC, GAS -

Existing utilities are located either within or adjacent to the site.

# **ROADWAY NETWORK, VEHICULAR ACCESS -**

There are no new points of access being proposed for this site. Per the City Engineer access off of Cedar Street will be through a right-in-right out, access off of Shawnee Street will be a joint drive servicing both lots 1 and 2, and lot 2 will have secondary access through the adjacent property to the east.

#### SIDEWALKS -

All sidewalks will be located along all streets, with a new 5' wide sidewalk along Main Street being located at least 6' from the back of curb. This will be a condition of approval.

# **ATTACHMENTS**

- I. Site Plan
- II. Application

# **ACTIONS**

Per Section 17.03.010 (G) of the *Gardner Land Development Code*, a review body may take the following actions (or recommend the following actions):

- 1. Approve the application.
- 2. Approve the application with conditions or modifications to lessen or mitigate a potential impact from the proposed application.
- 3. Deny the application.
- 4. Continue the application to allow further analysis. The continued application shall not be more than 60 days from the original review without consent of the applicant. No application shall be continued more than once by each review body without consent of the applicant.

# **EFFECT OF DECISION**

Site Plan and Design Review – Approval of a site plan and design review shall authorize the applicant to apply for a building permit and other applicable permits. The Director may approve

GARDNER PLANNING COMMISSION SP-20-09: Freddy's February 22, 2021 Page 5

minor amendments to approved site plans and design reviews without the refiling of a new application, but in no event shall the Director approve any change that does not qualify for an administrative site plan, or any change that is different from any condition of approval of the site plan and design review. An approved site plan and design review shall expire and be of no further effect if an application for a building permit for one or more buildings shown on the site plan is not filed within two years of the approval. The Planning Commission may grant an extension for up to one additional year. Any other element of the plan not submitted for permits within two years shall expire, unless the application proposes a different schedule that is approved.

# **RECOMMENDATION**

Staff recommends approval of the Site Plan with conditions outlined in the Recommended Motion section:

# **Recommended Motion:**

After review of Application SP-20-09, a site plan for Freddy's, located at the northeast corner of Main and Cedar Streets, and site plan dated January 22, 2021, and staff report dated February 22, 2021, the Planning Commission approves the application provided the following conditions are met:

- 1. Moving the sidewalk along Main Street to at least 6' from the back of curb and coordinate construction of the sidewalk with the City Engineer;
- 2. Approval of the Traffic Impact Study and Stormwater Management Plan by the City Gardner Public Works Department prior to the issuance of a building permit; and
- 3. Before any development can occur on Lot 2, a site plan application will need to be submitted and approved.

# LOT 1 BLUE VALLEY SUBDIVISION SITE DEVELOPMENT PLANS

# GARDNER, KANSAS 66030

E MAIN ST. & N CEDAR ST.



**LOCATION MAP** NOT TO SCALE

# **UTILITY CONTACTS**

Spectrum P.O. Box 25567 Overland Park, Kansas 66225 Office (913) 451-5858 Fax (913) 451-7652

City of Gardner (Utilities Deparments) (Electric, Water & Wastewater) 1150 East Santa Fe Gardner, Kansas 66030 Office (913) 856-0980

Fax (913) 856-7325

Kansas Gas Service 11401 W. 89th Street Overland Park, Kansas 66214

Office (913) 599-8991 Fax (913) 599-8989

City of Gardner Electric Distribution 1450 East Santa Fe Gardner, Kansas 66030 Office (913) 856-0980 Fax (913) 856-0237

All existing utility locations shown are approximate only and are not guaranteed to be accurate or all inclusive. Contractor shall be responsible for contacting all utility companies and verifying the actual field locations of all utilities prior to any construction activity. Contractor shall keep all utility locations current. Utilities damaged through the negligence of the contractor to obtain the proper field locations shall be the responsibility of the contractor to repair or replace at their expense and at the direction of the utility company. The contractor shall pothole and survey all utility crossings prior to construction of any portion of storm sewer, sanitary sewer laterals, underdrains, conduit and any other subsurface element of the project. The survey information shall be forwarded to the project engineer for review. The contractor shall not begin construction on any subsurface element on the project without the approval of the project engineer. Utility coordination, potholing/surveying shall be subsidiary to other bid items.



SHEET LIST

C01 - COVER SHEET

C02 - EXISTING CONDITIONS

GENERAL LAYOUT

C04 - DIMENSION PLAN C05 - TURNING TRASH TRUCK

SA1 - ARCHITECTURAL SITE PLAN

SA2 - SITE PLAN DETAILS

TRASH ENCLOSURE PLAN & DETAILS

A3 - EXTERIOR ELEVATIONS - EXTERIOR ELEVATIONS MB1- MATERIALS BOARD-1

ES-1 - SITE PHOTOMETRIC

# SURVEYOR OF RECORD

RENAISSANCE INFRASTRUCTURE CONSULTING 1815 MCGEE STREET KANSAS CITY, MISSOURI 64108 P (913) 317-9500 CONTACT: DUSTIN BURTON DBURTON@RIC-CONSULT.COM

# **CIVIL ENGINEER**

BHC RHODES 7101 COLLEGE BOULEVARD, SUITE 400 OVERLAND PARK, KANSAS 66210 P (913) 663-1900 F (913) 663-1633 CONTACT: AUSTIN LAGE P.E. AUSTIN.LAGE@IBHC.COM

# **OWNER/DEVELOPER**

FREDDY'S FROZEN CUSTARD & STEAKBURGERS 260 N. ROCK ROAD, SUITE 200 WICHITA, KS 67206 PHONE: 316-719-7824 CONTACT: GREG WALDO GREGW@FREDDYSUSA.COM

# **SUBMITTED BY:**

**BHC** RHODES OVERLAND PARK, KANSAS

Austin Lage, P.E. Date State P.E. No. 28006

PROJECT LOCATION

**SECTION MAP** SCALE: 1" = 2000' SECTION 24-T14S-R22E

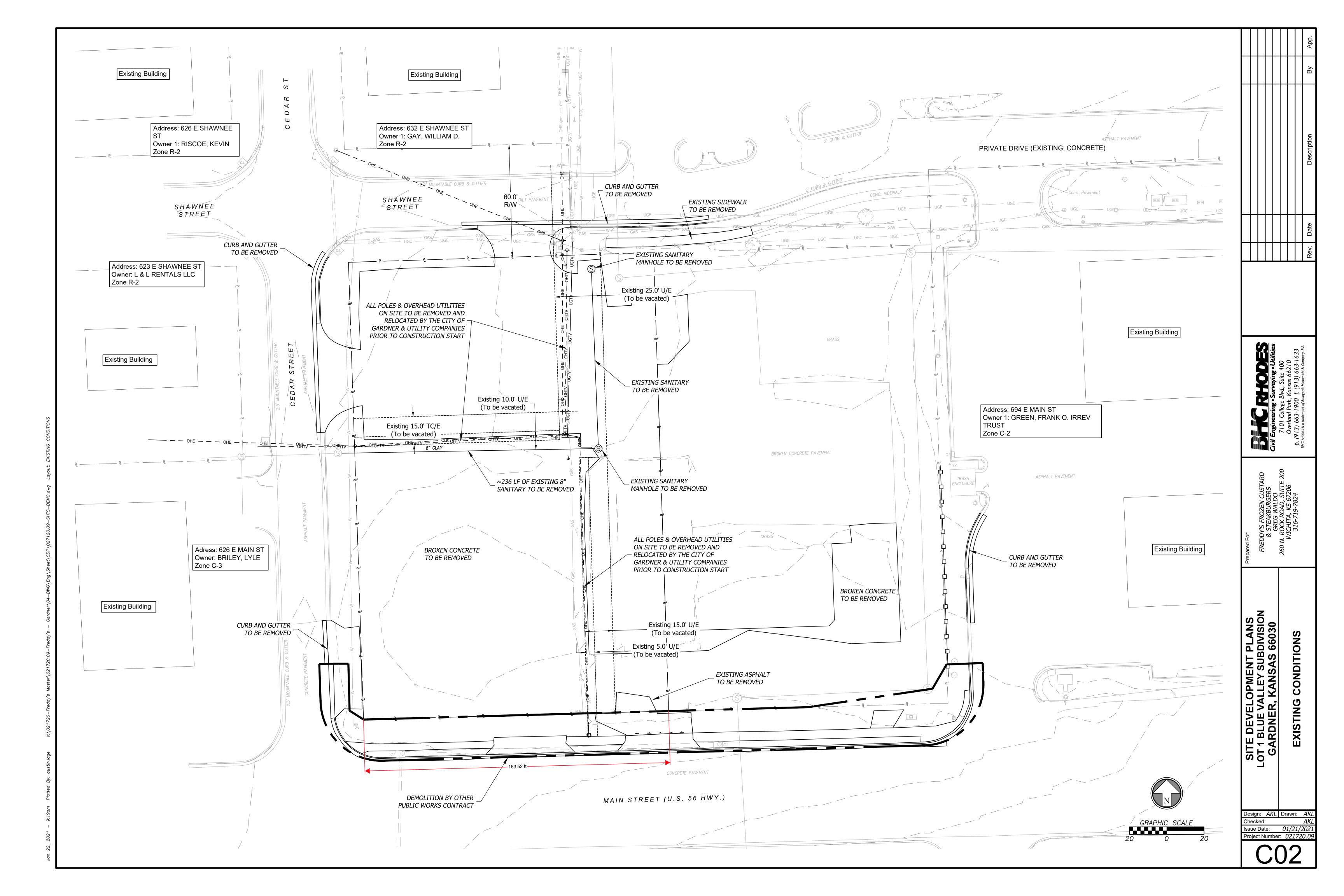
JOHNSON COUNTY, KANSAS

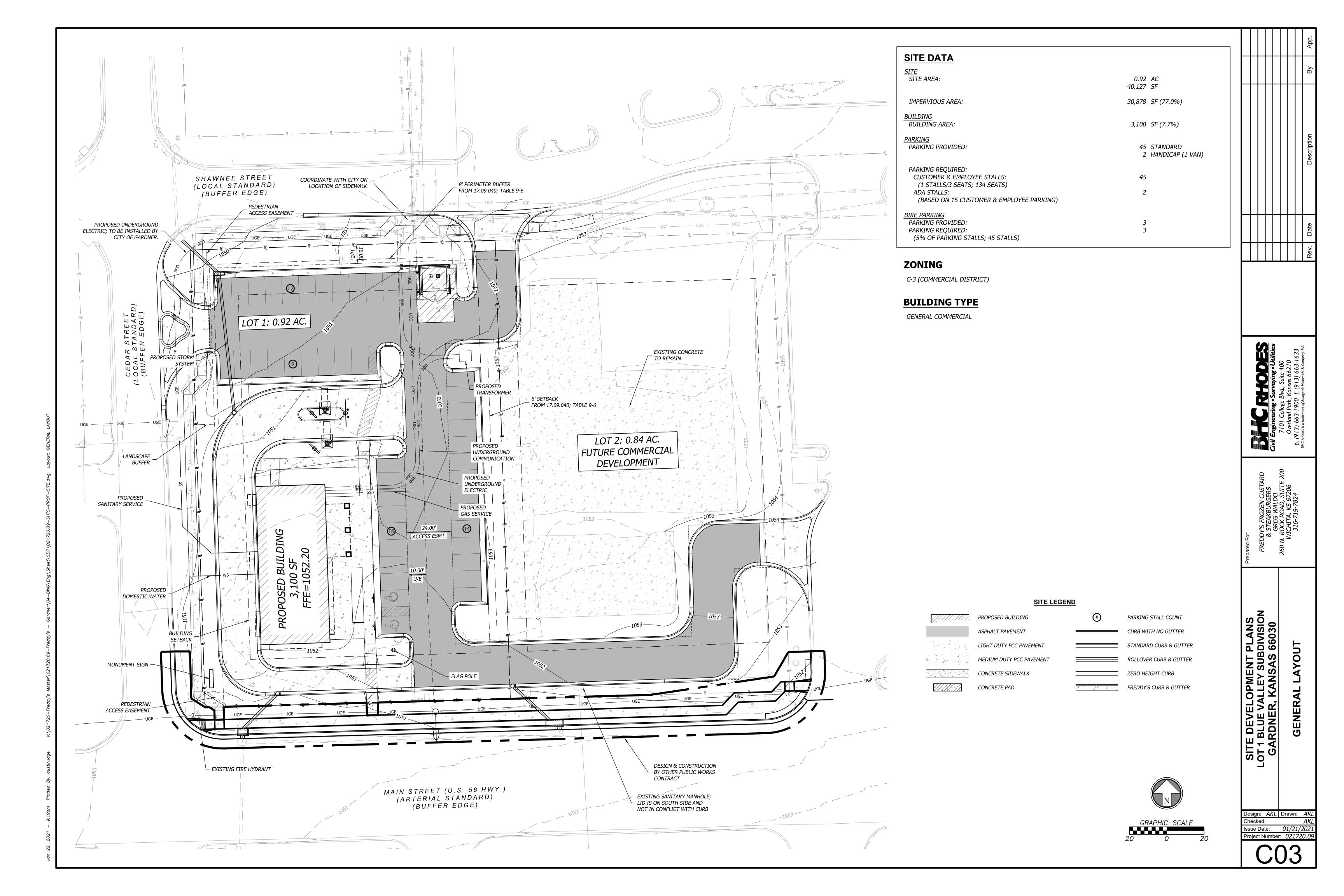
West 167th Street

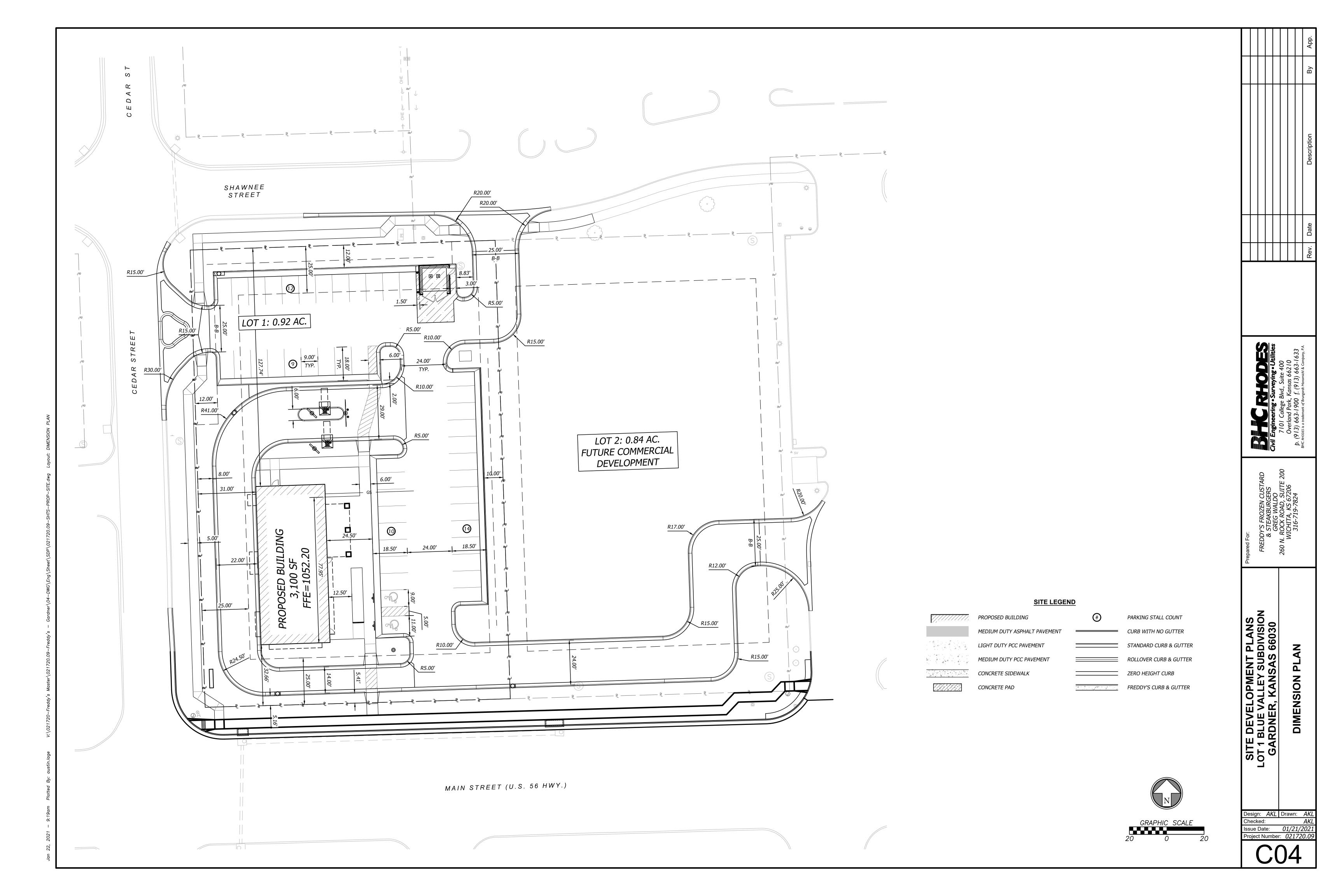
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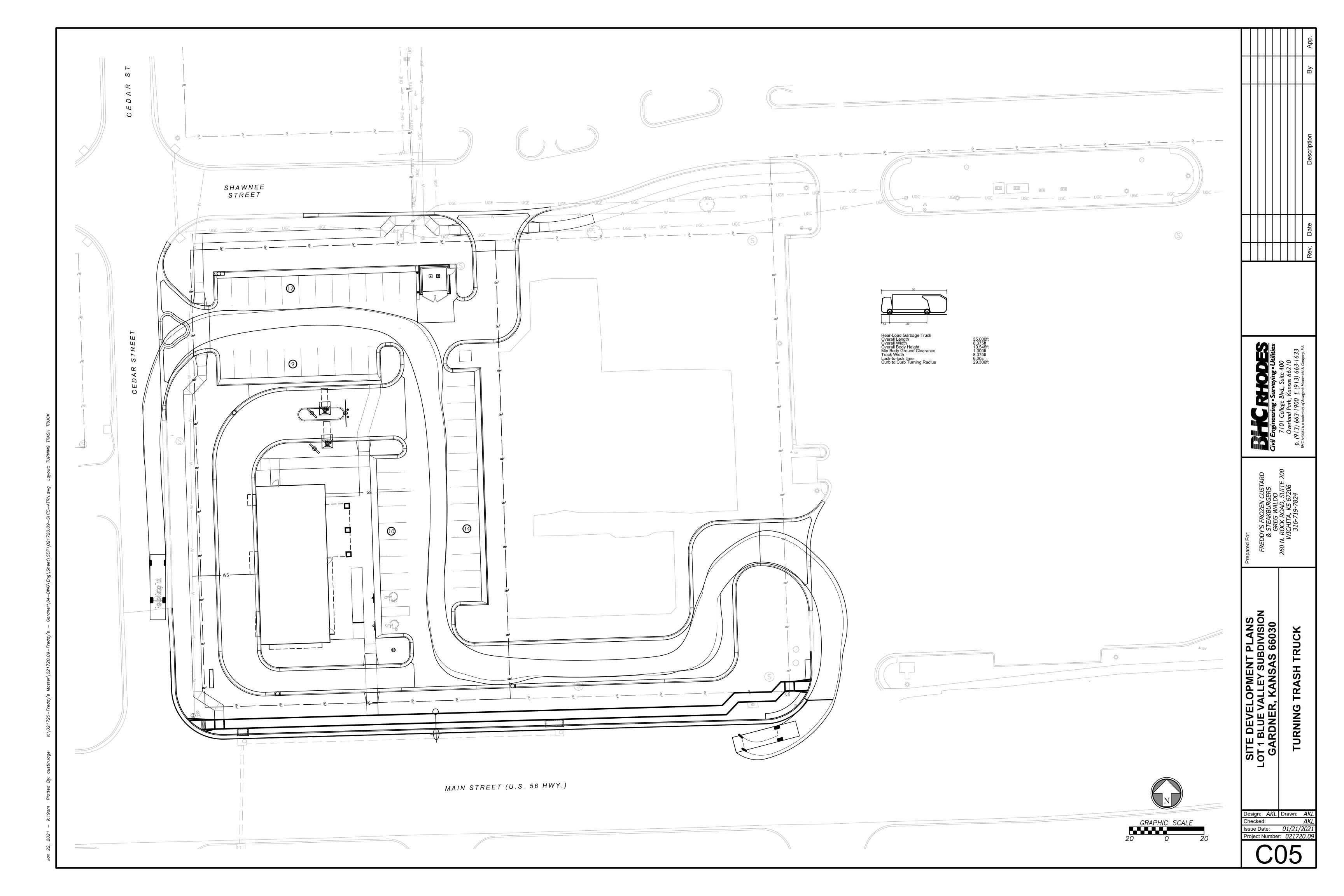
oject Number: 021720

SITE DEVELOPMENT PLANS LOT 1 BLUE VALLEY SUBDIVISION GARDNER, KANSAS 66030









- GENERAL CONTRACTOR TO SUBMIT IRRIGATION PLAN TO FREDDY'S CONSTRUCTION MANAGER AND LANDSCAPE ARCHITECT PRIOR TO ORDERING MATERIALS.
- 1. Irrigation plan to not interfere with any proposed improvements show within plans.
- 2. Irrigation system design to be based on available psi min operating pressure for spray heads shall be 30 psi and min operating for drip zones shall be 40 psi.
- The mechanical contractor shall be responsible for electrical power service to the controller and shall make all hook-ups from the electrical service to the automatic controller. All exposed low voltage wire shall be enclosed in a conduit.
- 4. Place valve boxes 12" minimum from and parallel to curbs and walks, grouped valves to be equally spaced.
- 5. Install all mainlines to slope at 1% minimum to drain valves located at low points of main system.
- 6. General contractor shall provide 110v, non-interrupted electrical service for the irrigation controller.
- 7. Irrigation controller and rain sensor shall be located in owner approved locations.

# PLANT SCHEDULE

	EVERGREEN TREE	QTY	BOTANICAL / COMMON NAME	CONT	CAL	<u>HEIGHT</u>
		8	Picea abies `Cupressina` / Norway Spruce	B & B	2"Cal	12` Ht.
	ORNAMENTAL TREE	QTY	BOTANICAL / COMMON NAME	CONT	CAL	<u>HEIGHT</u>
	+	7	Prunus cerasifera `Cripoizam` / Crimson Pointe Plum	B & B	2"Cal	
	STREET TREE	<u>QTY</u>	BOTANICAL / COMMON NAME	CONT	CAL	<u>HEIGHT</u>
_	$\{\cdot\}$	7	Acer platanoides `Crimson Sentry` / Crimson Sentry Maple	B & B	2"Cal	
+		3	Acer x freemanii `Armstrong` / Armstrong Freeman Maple	В&В	2"Cal	
<i>v</i> ~		15	Quercus x warei `Regal Prince` / Regal Prince Oak	B & B	2"Cal	
	<u>SHRUBS</u>	<u>QTY</u>	BOTANICAL / COMMON NAME	CONT.	<u>HEIGHT</u>	
	*	25	Euonymus fortunei / Wintercreeper	1 gal		
	(+)	22	Hibiscus syriacus `Purple Pillar` / Purple Pillar Rose of Sharon	3 gal	8` Ht	
	$\langle \cdot \rangle$	30	Rhus aromatica `Gro-Low` / Gro-Low Fragrant Sumac	5 gal	18"- 24" H	
	EVERGREEN SHRUB	QTY	BOTANICAL / COMMON NAME	CONT.	<u>HEIGHT</u>	
	Exercise Section of the section of t	12	Buxus microphylla japonica `Green Beauty` / Green Beauty Boxwood	3 gal		
	₹ <b>•</b> }	54	Juniperus chinensis `Sea Green` / Sea Green Juniper	5 gal	24"- 30" H	
	UPRIGHT EVERGREEN	<u>QTY</u>	BOTANICAL / COMMON NAME	CONT.	<u>HEIGHT</u>	
	$\otimes$	7	Juniperus scopulorum `Skyrocket` / Skyrocket Juniper	7 gal	6` Ht	
	Manager Manage	8	Taxus x media `Hicksii` / Hicks Yew	B & B	36" height	
	GROUND COVERS	QTY	BOTANICAL / COMMON NAME	CONT		
	\( \psi \)	17,975 sf	Festuca arundinacea `Watersaver Blend` / Watersaving Blend of Tall Fescue	sod		

# MULCH SCHEDULE



SAMPLE OF ROCK MULCH TO BE PROVIDED TO OWNER AND ARCHITECT FOR APPROVAL. Buffalo River Rock or Regional Equal. Slze: 1"-3" Rock. Depth: 3" Depth

# SITE DATA

	Quantity	Required	Provided
Frontage	C-3		
Street Trees			
Local : 1 tree / 40 LF of street			
Cedar St	245	6.13	7
Shawnee St	164	4.1	5
Collector : 1 tree / 50 LF of street			
Main St	164	3.28	4
Foundation Planting			
25% of street facad @ 8' depth	121	30.00	
1 tree/ 40 LF		0.75	1
1 shrub/ 10 LF		3	
Parking Landscape			
Perimeter	254		
1 tree/30 LF		8.47	Ç
1 shrub/5 LF along frontage		50.8	54
Island/Interior Landscape			
Parking provided	45		
1 tree/40 spaces		1.125	2
Groundcover on all interior areas		Υ	Υ
Buffer - Level 2			
12' width			
North - R-2	120		
1 lg tree/ 40 LF		3	3
1 evergreen tree/ / 30 LF		4	4
1 shrub/ 10 LF		12	12
West - R-2	104		
1 lg tree/ 40 LF		2.6	3
1 evergreen tree/ / 30 LF		3.47	4
1 shrub/ 10 LF		10.4	11
Utility Screening			
Above ground cabinets should be			
screened w/landscaping		Υ	Υ

# **GENERAL LANDSCAPE NOTES**

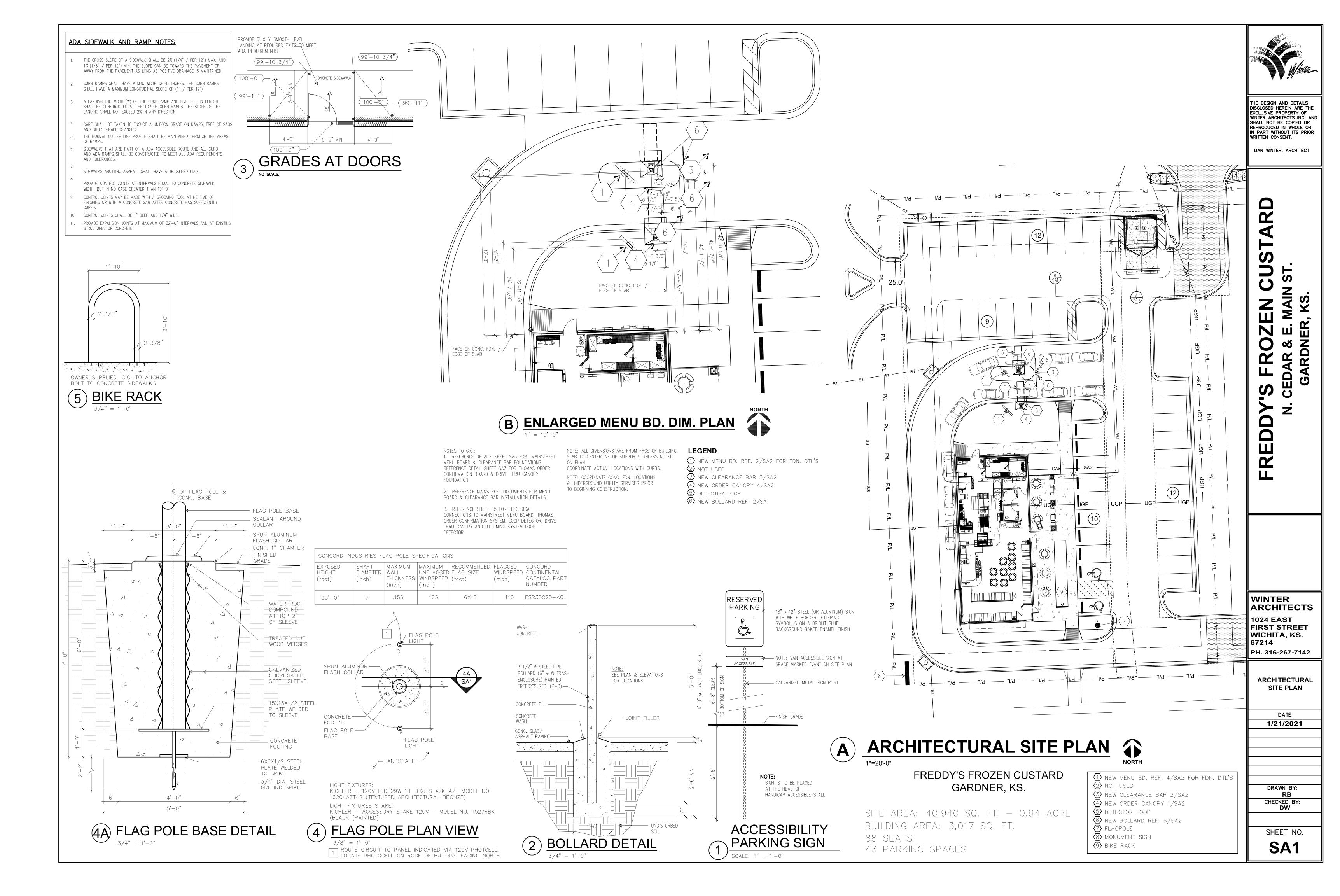
- The Contractor shall verify and coordinate all final grade with the Landscape Architect and or design team prior to completion.
- 2. Location and placement of all plant material shall be coordinate with the Landscape Architect prior to installation.
- 3. Location of all utilities are approximate, the Contractor shall field verify locations prior to commencement of construction
- 4. Refer to Civil Drawings for all grading and berming, erosion control, storm drainage, utilities and site layout.
- 5. The Contractor shall arrange and conduct a pre-construction meeting onsite with Landscape Architect prior to work.
- 6. Plant quantities are for information only drawing shall prevail if conflict occurs. Contractor is responsible for calculating own quantities and bid accordingly.
- 7. Tree locations in areas adjacent to drives, walks, walls and light fixtures may be field adjusted as approved by Landscape Architect.
- 8. The Contractor shall report subsurface soil or drainage problems to the Landscape Architect.
- 9. The plan is subject to changes based on plant size and material availability. All changes or substitutions must be approved by the City of Gardner, Kansas and the Landscape Architect.
- 10. Aluminum landscape edging to be used on all landscape beds abutting turf areas as noted on landscape plans.
- 11. Landscape Contractor shall to be responsible for watering all plant material until the time that a permanent water source is ready.
- 12. The Contractor shall show proof of procurement, sources, quantities, and varieties for all shrubs, perennials, ornamental grasses, and annuals within 21 days following the award of the
- 13. Contractor shall provide full maintenance for newly landscaped areas for a period of 30 days after the date of final acceptance. At the end of the maintenance period, a healthy, well-rooted, eve-colored, viable turf and landscaped area must be established. The landscaped areas shall be free of weeds, open joints, bare areas, and surface irregularities.
- 14. Landscape Contractor shall provide rock mulch sample to owner for approval.

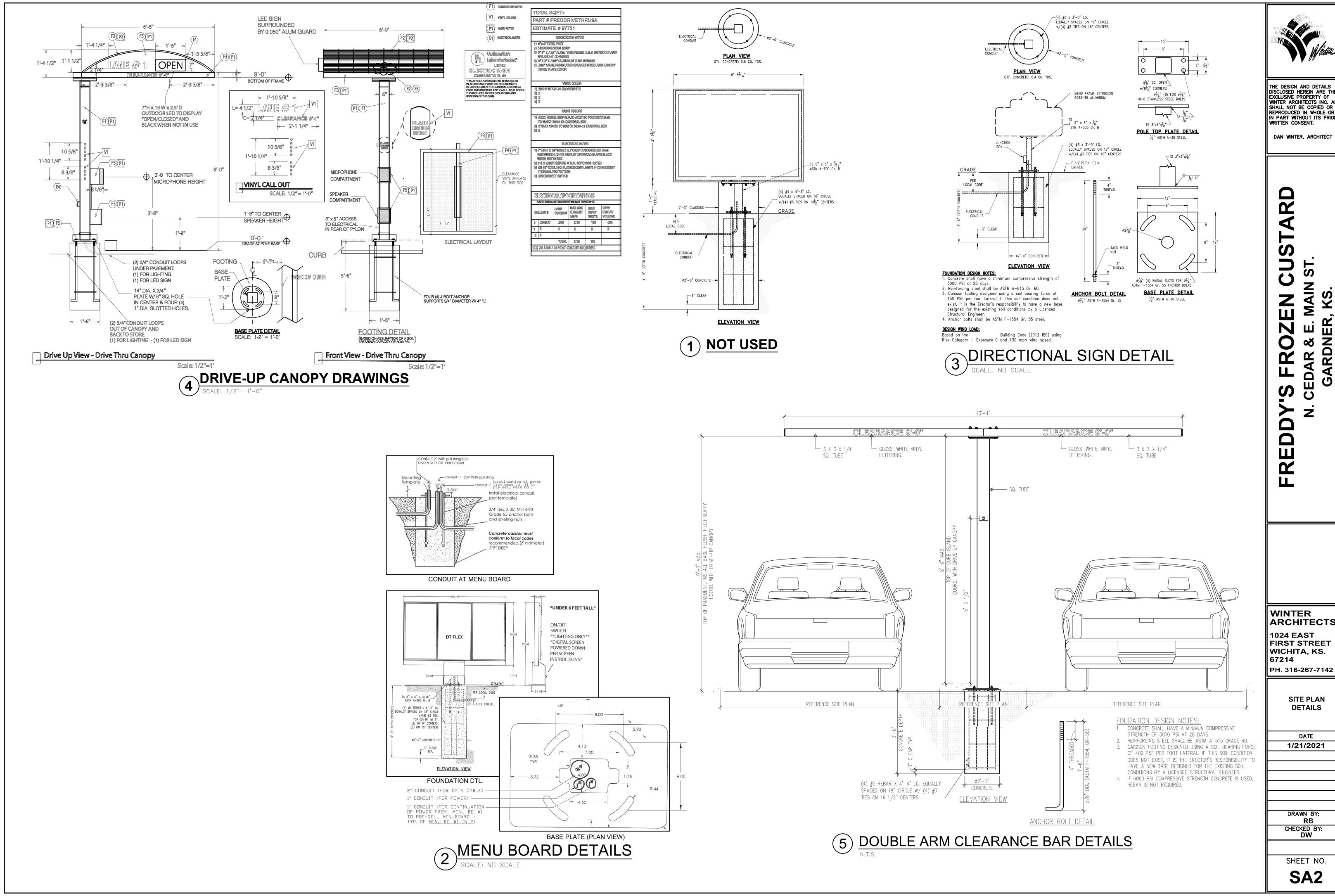
				Арр
				By
				Description
				Rev. Date
				Rev.

/ELOPMENT PLANS E VALLEY SUBDIVISION ER, KANSAS 66030 LANDSCAPE SITE LOT 1 E GAF

Design: *AKL* Drawn: *AKL* ssue Date: 01/21/202

roject Number: 021720.





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DAN WINTER, ARCHITECT

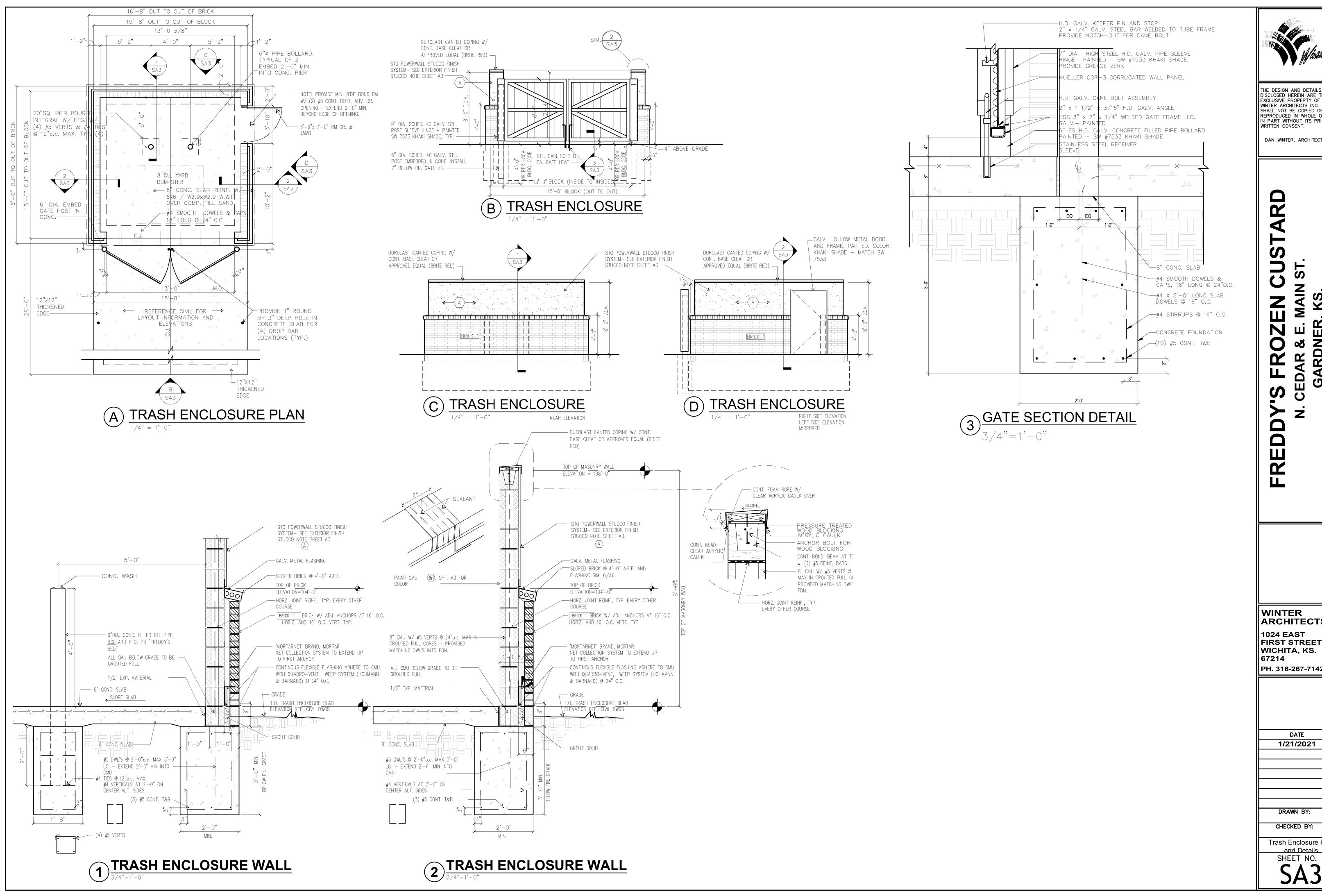
ARCHITECTS 1024 EAST FIRST STREET WICHITA, KS.

SITE PLAN

DATE 1/21/2021

DRAWN BY: RB CHECKED BY:

SHEET NO.





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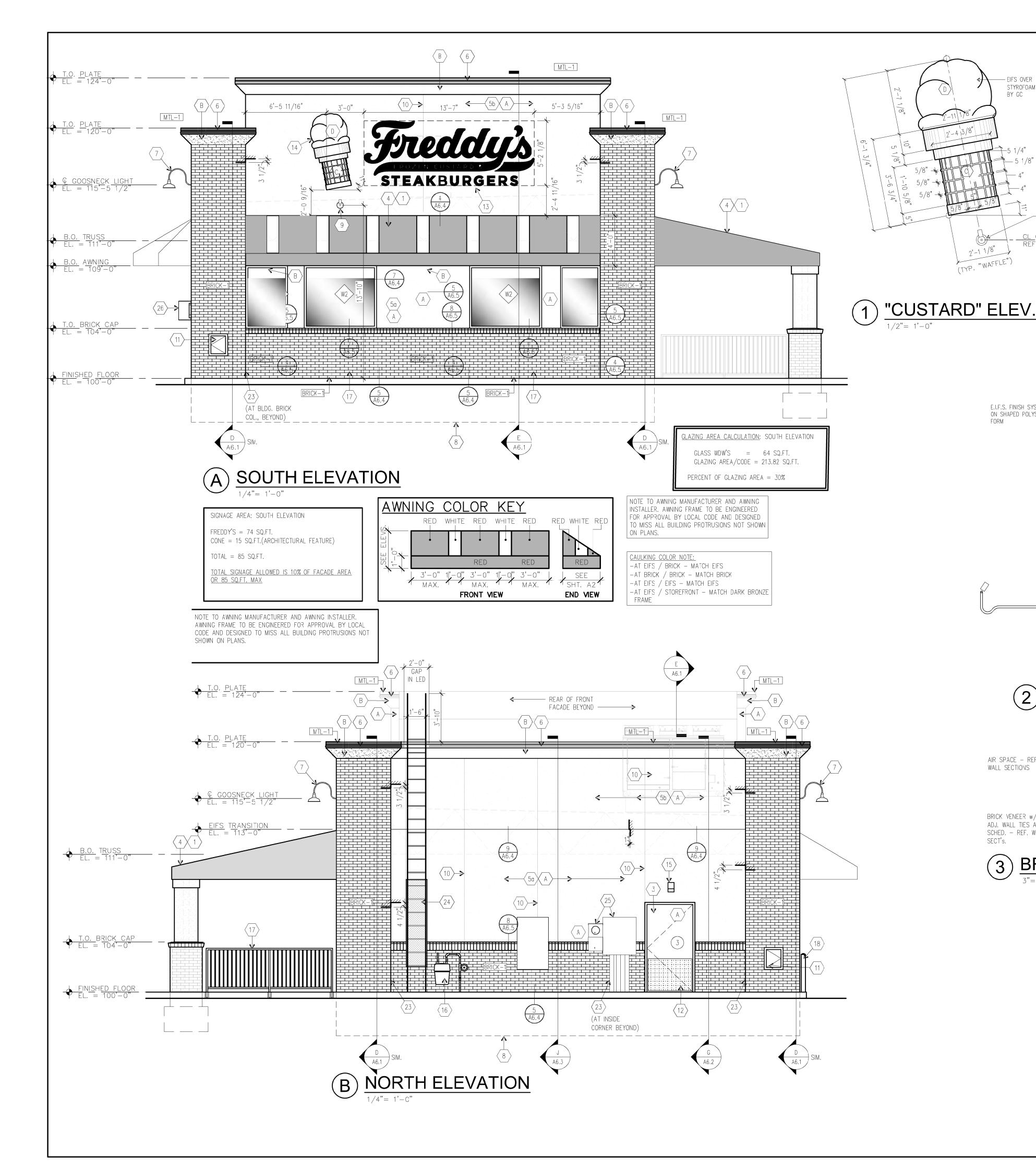
PH. 316-267-7142

DATE 1/21/2021

DRAWN BY:

CHECKED BY: Trash Enclosure Plan and Details

SHEET NO.



	FINISH SCHEDU		NED DE 77		ZEM OUGTARR		40.5 (1.8 p)
EXTERIOR PAINT	DESCRIPTION		MFGR.	MFGR. NO.		REMARKS	Wasia
BUILDING WALLS	PAINT *	A	SHERWIN WILLIAMS	#7533	KHAKI SHADE	PAINT WITH TWO COATS ACRYLIC LATEX (SATIN)	
BUILDING TRIM	PAINT *	B	SHERWIN WILLIAMS	#6126	FREDDY'S PEARL	PAINT WITH TWO COATS ACRYLIC LATEX (SATIN)	
CONE	PAINT *	(C)	SHERWIN WILLIAMS	#17-143	BISCUIT FREDDY'S CONE	PAINT WITH TWO COATS ACRYLIC LATEX (SATIN)	THE DESIGN AND DETAILS DISCLOSED HEREIN ARE THE
CUSTARD	PAINT *	D	SHERWIN WILLIAMS	#17-313	FREDDY'S ICE WHITE	PAINT WITH TWO COATS ACRYLIC LATEX (SATIN)	EXCLUSIVE PROPERTY OF WINTER ARCHITECTS INC. A SHALL NOT BE COPIED OR
BOLLARD	PAINT	РЗ	SHERWIN WILLIAMS	#17-572	FREDDY'S RED	PAINT WITH TWO COATS HIGH PERFORMANCE ACRYLIC (GLOSS)	REPRODUCED IN WHOLE OR IN PART WITHOUT ITS PRIOR WRITTEN CONSENT.
GUARD RAIL	PAINT	P4	SHERWIN WILLIAMS	#B66B300	FREDDY'S JET BLACK	PAINT WITH TWO COATS HIGH PERFORMANCE ACRYLIC (GLOSS)	DAN WINTER, ARCHITECT

BRICK	DESCRIPTION  BRICK MODULAR		MFGR.		COLOR & TEXTURE	REMARKS
(OPT. #1)	(OPT. #1)	BRICK-1	THE LAKEWOOD BRICK COMPANY	ACME BRICK CO. P: 316-941-3594	WELLSHIRE	GROUT COLOR — GRAY Modular & Tin — made rumbled
BUILDING BRICK (OPT. #2)	BRICK MODULAR (OPT. #2)	BRICK-1	INTERSTATE BRICK-UTAH		MOUNTAIN RED	GROUT COLOR — GRAY MODULAR & TIN — RUMBLED EXTRA CHARGE
METAL COPING	DESCRIPTION	FINISH NO.			COLOR	REMARKS
BUILDING COPING	COPING	MTL-1	DUROLAST		BRITE RED	2 PC COMPRESSION COPING CAP. SLOPE TOWARDS ROOF.

\* NOTE: ALL EXTERIOR INSULATED FINISH SYSTEM (E.I.F.S.) IS PRE-MIXED WITH SHERWIN-WILLIAMS COLORS AS SPEC'D. ABOVE,

# **GENERAL NOTES:**

NO PAINTING OF BUILDING E.I.F.S. (INCL. CONE) IS REQUIRED.

SIGNS SHOWN ON THESE ELEVATIONS ARE FOR CODE REVIEW PURPOSES ONLY. THESE SIGN ELEVATIONS ARE NOT TO BE USED AS OR CONSTRUED AS SHOP DRAWINGS FOR SIGN CONSTRUCTION. SIGN SHOP DRAWINGS ARE PRODUCED BY THE SIGN MANUFACTURER FOR REVIEW AND APPROVAL BY THE OWNER.

NOTE TO AWNING MANUFACTURER AND AWNING INSTALLER. AWNING FRAME TO BE ENGINEERED FOR APPROVAL BY LOCAL CODE AND DESIGNED TO MISS ALL BUILDING PROTRUSIONS NOT SHOWN ON PLANS.

# **ELEVATION KEY NOTES**

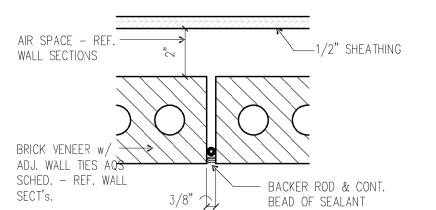
- (2)—TUBE, STRIP LED FIXTURES WITH CLEAR LENS COVERS TO BACK LIGHT AWNINGS, TYP. SUPPLIED BY OWNER. WIRED & INSTALLED BY ELEC. CONTR.
- $\langle 2 \rangle$  Overflow drain with Lambs tongue
- (3) HOLLOW METAL EXIT DR. REF. DOOR SCHED.
- EXTERIOR VINYL AWNING & ALUM FRAME BY OWNER AND AWNING MANUF, TYP REF. AWNING COLOR KEY SHT'S A3 & A4
- STO 1 1/2" DRAINABLE EXTERIOR INSULATED FINISH SYSTEM (E.I.F.S.) ADHESIVELY ADHERED "SAND PEBBLE FIN."
- STO 2 1/2" DRAINABLE EXTERIOR INSULATED FINISH SYSTEM (E.I.F.S.) ADHESIVELY ADHERED "SAND PEBBLE FIN."
- $\langle$  6  $\rangle$  LED STRIP LIGHTING BY SIGN MFGR. TYP.
- GOOSENECK LIGHT FIXTURE 'RED'
- CONCRETE FOUNDATION REFER TO STRUCTL.
- PLANS FOR SIZE AND DETAILS 9 BLDG. MTD. CONE LIGHT FIXTURE PTD.
- (10) EIFS CONTROL JOINT REF. DETAIL 4/A3
- (11) RECESSED SS EASIWASH CAB.
- 42"x 30" DIAMOND TREAD PLATE
- SIGNAGE BY OWNER INSTALLATION BY SIGNAGE MANUF., ELEC. CONNECTIONS BY G.C. EIFS OVER STYROFOAM 'CONE' BY GC APPROVED BY OWNER PRIOR TO INSTALLATION SEE DETAIL 1,2/A3.0

- WALL PACK LIGHT FIXTURE. ABOVE REAR DOOR -
- REF. ELECT. PLANS GAS METER PTD. VERIFY LOC.
- REFER TO DETAIL 5/A3 FOR GUARD RAIL DETAILS. (IF REQUIRED. NOT SHOWN ON PROTOTYPE)
- 4" CONC. FILLED PIPE BOLLARD. FREDDY'S RED
- ILLUMINATED CHANNEL LETTERS BY SIGN MANUF. READY ACCESS MODEL AA300 CURTAIN - 275 PASS-THRU AIR CURTAIN SYSTEM W/ STATUARY
- APPROPRIATE AIR CURTAIN CONFIGURATION BASED ON GEOGRAPHY. READY ACCESS MODEL 275 WINDOW/ MANUAL. SINGLE PANEL SLIDER, 48"W x 60" H. R.O. (INCL. AIR CURTAIN ABOVE). MANUAL OPEN/ ELECTRONIC

BRONZE FIN. ELECTRICAL CONTRACTOR TO VERIFY

ELECTRICAL REQ'MTS. SEE MANUFACTURER FOR

- RELEASE OPENS ON SIDE THE CAR APPROACHES. BRONZE FINISH -PROVIDED BY & INSTALLED BY G.C. RECESSED KNOX BOX
- BRICK EXPANSION JOINT REF. DETAIL 3/A3
- STEEL MESH HINGED GATE (W/LOCK) TO ENCLOSE BOTTOM OF ACCESS LADDER. (PAINT TO MATCH EIFS).
- ELECTRICAL CT CABINET & DISCONNECT PTD., VERIFY LOCATION
- FREDDY'S PEDESTRIA SIGN @ 56" A.F.F. FREDDY'S PEDESTRIAN CROSSING SIGN. BOTTOM OF
- 27 SIAMESE FIRE DEPARTMENT CONNECTION.



SECTION

**1'−5** 1/4"

**1'−2** 3/4"

<u>\_1'-0 1/4"</u>

**└**1'−1 1/8"

STYROFOAM 'CONE'

E.I.F.S. FINISH SYSTEM — ON SHAPED POLYSTYRENE

— BLDG. MTD. CONE FLOOD

LED SPOTLIGHT PTD.

**BRICK CONTROL JOINT** MARKED CJ ON EXTERIOR ELEVATIONS

SHEETS A3 & A4

ELEVATIONS SHEETS A3 & A4

-1/2" PLYWOOD WALL SHEATHING W/ STO GOLD WATER RESISTIVE BARRIER - REFER TO STRUCTL. PLANS AND NOTES FOR NAILING REQUIREMENTS ---STO 1" DRAINABLE EXTERIOR INSULATED FINISH SYSTEM (E.I.F.S.) ADHESIVELY ADHERED

> **EXTERIOR ELEVATIONS**

PH. 316-267-7142

WINTER

1024 EAST

67214

ARCHITECTS

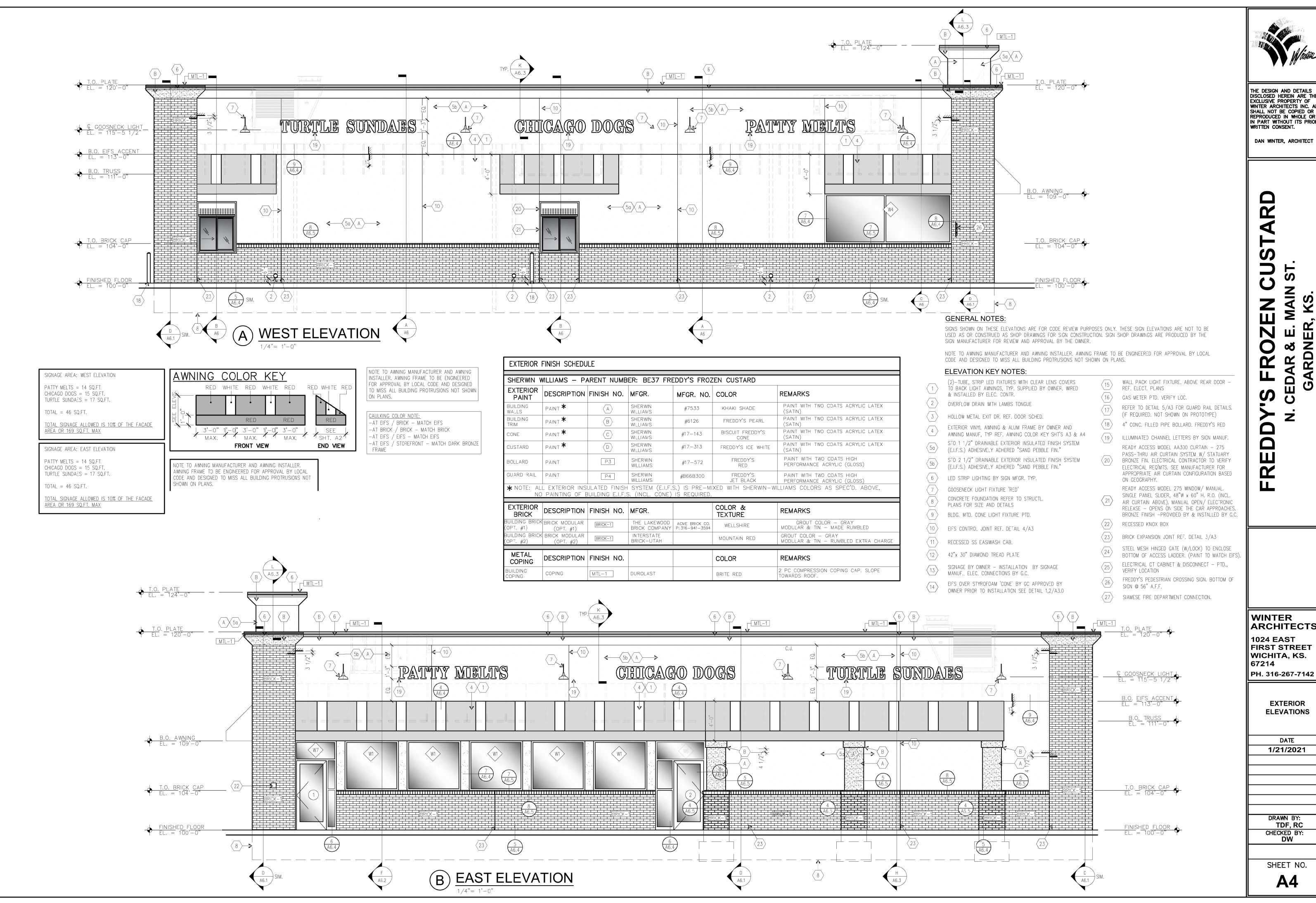
FIRST STREET

WICHITA, KS.

DATE 1/21/2021

DRAWN BY: TDF, RC CHECKED BY:

SHEET NO. **A3** 





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DAN WINTER, ARCHITECT

# 0

WINTER ARCHITECTS 1024 EAST FIRST STREET WICHITA, KS.

**EXTERIOR ELEVATIONS** 

DATE

1/21/2021

DRAWN BY: TDF, RC CHECKED BY: DW

SHEET NO.

**A4** 



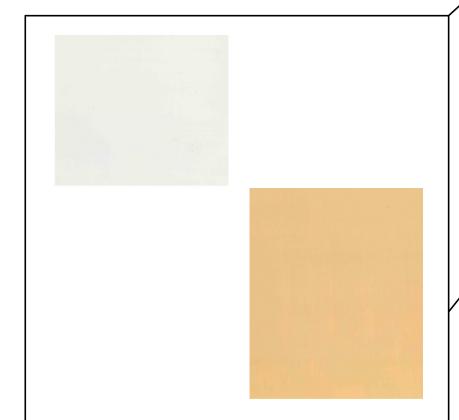
# **METAL COPING**

2 PIECE COMPRESSION COPING CAP (BRITE RED) BY DUROLAST MTL-1 SLOPE TOWARDS ROOF



STO POWERWALL STUCCO FINISH SYSTEM WITH STOGUARD WATERPROOFING/AIR BARRIER WITH SW #6126 FREDDY'S PEARL MIXED INTO FIN. COAT

# **CEMENT STUCCO CORNICE**



# STUCCO CONE

SW 17-313 FREDDY'S ICE WHITE SW 17-143 FREDDY'S BISCUIT CONE

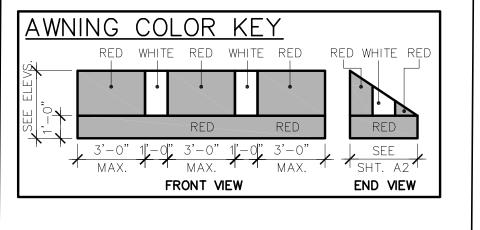






THE LAKEWOOD BRICK CO. WELLSHIRE

**BRICK VENEER** 



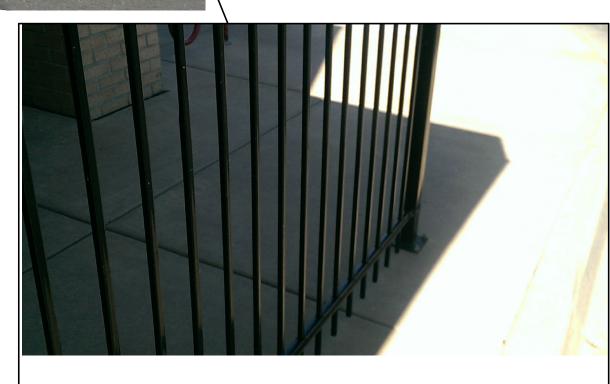
RED & WHITE STRIPED VINYL AWNING

**VINYL AWNING** 



DK. BRONZE ALUM. STOREFRONT FRAMES

STOREFRONT WDWS. & DOORS



# PATIO GUARDRAIL

SW B66B300 FREDDY'S JET BLACK



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IN PART WITHOUT ITS PRIOR
WRITTEN CONSENT.

DAN WINTER, ARCHITECT

N

FREDDY

SW #7533 KHAKI SHADE MIXED INTO FIN. COAT

# **CEMENT STUCCO**



# LIGHT FIXTURE

GOOSENECK LIGHT FIXTURE (RED) PROVIDE BLOCKING FOR ATTACHMENT

WINTER ARCHITECTS

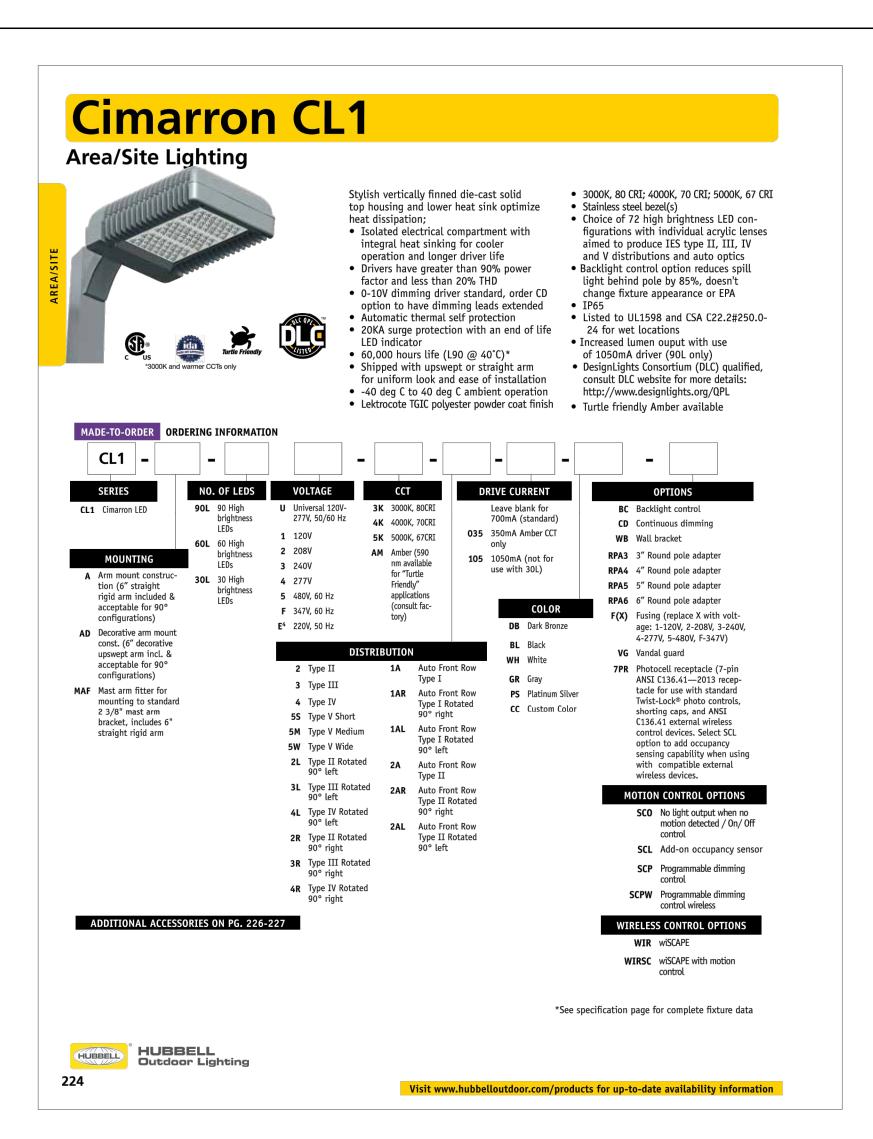
1024 EAST FIRST STREET WICHITA, KS. 67214 PH. 316-267-7142

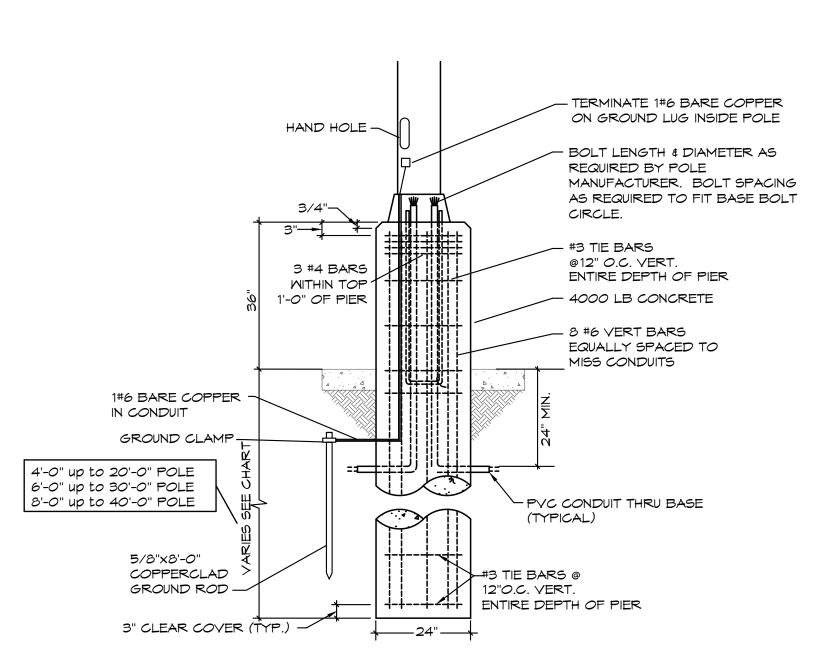
> **MATERIALS BOARD-1**

DATE 1/21/2021

DRAWN BY: CHECKED BY:

SHEET NO. MB1





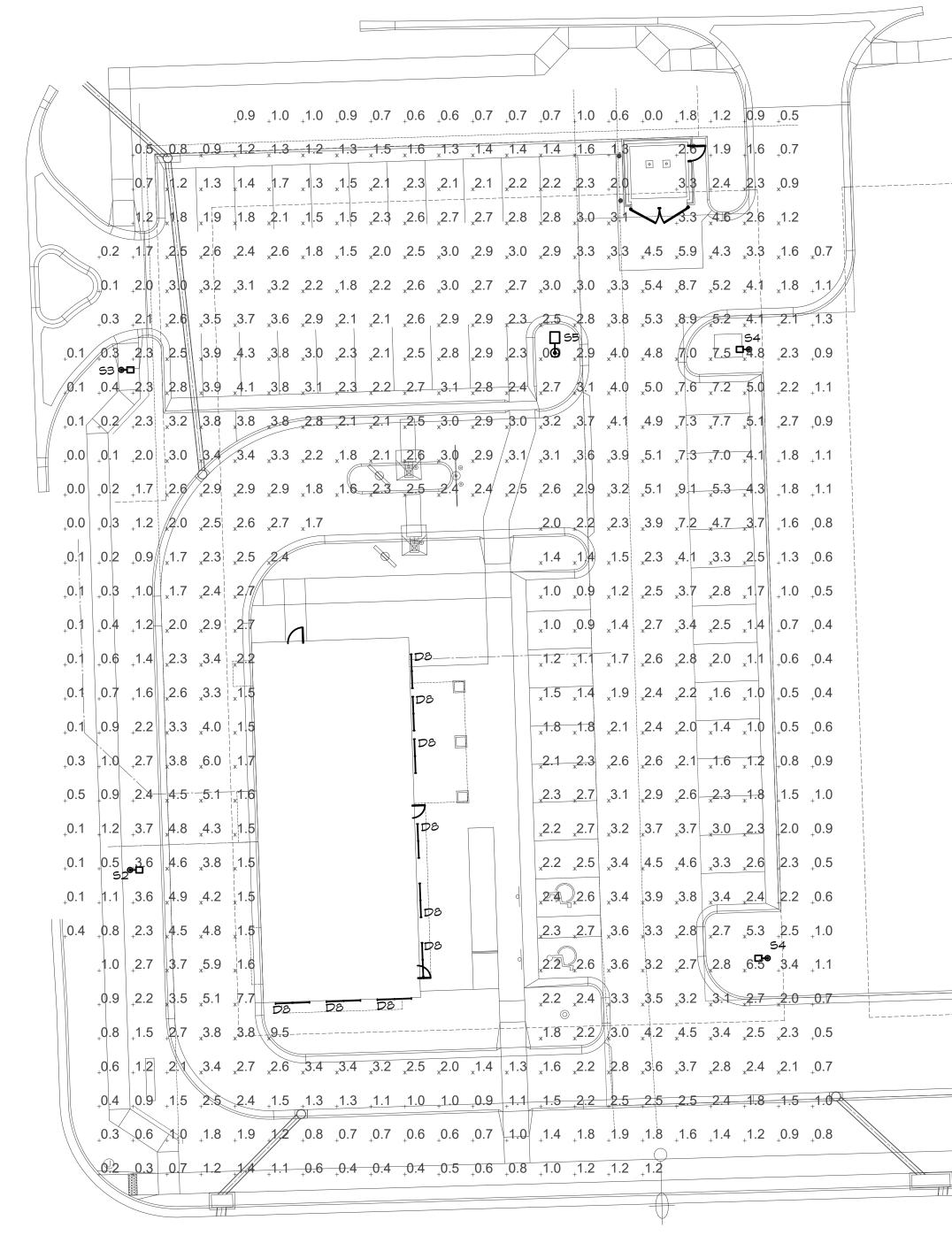
POLE FOUNDATION DETAIL

SCALE: NONE

LIGHT FIXTURE SCHEDULE MANUFACTURER & VOLTS CATALOG NUMBER INCL LED SURFACE MOUNTED AMNING LIGHT. MITH LED 14000 WHITE LENS AND WHITE FINISH. FLUORESCENTS D8 SKDNB-MM-96L-H144W14000L-MV-40K-MH SPAULDING LIGHTING POLE MOUNTED AREA LIGHT WITH INTEGRAL CL1-A-90L-U-4K-2-LED LIGHT ENGINE AND DRIVER - TYPE 2 DB-BC DISTRIBUTION. MOUNT ON 22' POLE WITH 3' HIGH CONCRETE BASE (25' TOTAL MOUNTING HEIGHT). BRONZE FINISH WITH A HOUSE SIDE SPAULDING LIGHTING POLE MOUNTED AREA LIGHT WITH INTEGRAL CL1-A-90L-U-4K-3-LED LIGHT ENGINE AND DRIVER - TYPE 3 DISTRIBUTION. MOUNT ON 22' POLE WITH 3' DB-BC HIGH CONCRETE BASE (25' TOTAL MOUNTING HEIGHT). BRONZE FINISH WITH A HOUSE SIDE SPAULDING LIGHTING UNV POLE MOUNTED AREA LIGHT WITH INTEGRAL CL1-A-90L-U-4K-4-LED LIGHT ENGINE AND DRIVER - TYPE 4 DISTRIBUTION. MOUNT ON 22' POLE WITH 3' HIGH CONCRETE BASE (25' TOTAL MOUNTING HEIGHT). BRONZE FINISH WITH A HOUSE SIDE SPAULDING LIGHTING POLE MOUNTED AREA LIGHT WITH INTEGRAL LED LIGHT ENGINE AND DRIVER - TYPE 5 CL1-A-90L-U-4K-5-INCL DISTRIBUTION. MOUNT ON 22' POLE WITH 3' HIGH CONCRETE BASE (25' TOTAL MOUNTING HEIGHT). BRONZE FINISH WITH A HOUSE SIDE SHIELD.

\*FIXTURES SHOWN FOR REFERENCE ONLY. ACTUAL LOCATIONS AND QUANTITY WILL VARY. ALL NEW LIGHT FIXTURES ARE TO BE PROVIDED BY OWNER THROUGH ACCENT LIGHTING. CONTACT PAUL GRAF @ 316-636-1278 WITH QUESTIONS. ALL LAMPS TO BE SUPPLIED BY OWNER.

F	PARKING S	STATISTICS	5		
AVG	MAX	MIN	AVG:MIN		
3.0	9.5	0.7	4.3:1		





BC

ENGINEERS
INCORPORATED
5720 Reeder
Shawnee, Ks. 66203
(913)262-1772

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KANSAS PE COA #E-359



BC PROJECT #20781

FREDDY'S FROZEN CUSTARD 260 N. ROCK ROAD, SUITE 200 WICHITA, KS 67206

A PROJECT FOR:
FREDDY'S FROZEN CUSTARD

ISSUE DATE: 1/12/21

**REVISION:** 

SHEET TITLE
SITE PHOTOMETRIC

ES-1



# SITE PLAN AND DESIGN REVIEW FINAL DEVELOPMENT PLAN APPLICATION

Pre-App Date
Fee
File No

		LICATION	File No
OWNER INFORM		IOATION	
Name(s)	See Attached Affidavits		
Contact			
APPLICANT/AGE	NT INFORMATION		
Name(s) <u>He</u>	nzlik Real Estate Companies, Ll	LC	
	glas Henzlik		
	1 W 79th Street		
City Overland	d Park	State Kansas	Zip66204
Phone _ 913.7	725.0406	Email <u>doug@he</u>	nzlikrealestate.com
SITE INFORMATION	ON		
Property Addre	ess/Location: <u>NE corner of the intersection</u>	on between U.S. 56 Highway a	nd N. Cedar Street in Gardner, Kansas.
	on (Attach If Necessary)		
	sting Lots 2		
	1.84		
	et Design Type(s) & Class N/A		
Proposed Type	e(s) Open & Civic Space N/A		
Proposed Fron	tage Type(s) N/A		
Proposed Build	ling Types(s) <u>Drive-through resta</u>	urant	
final development	ned am/are the (owner(s)), (duly ution of my/our signature, I/we do lolan as indicated above.	nereby officially apply for	a site plan and design review or
Signature(s):	<del>5</del> 1		Date <u>9-11-20</u>
			Date



# SITE PLAN AND DESIGN REVIEW, AND FINAL DEVELOPMENT PLAN APPLICATION CHECKLIST

# **APPLICATION SUBMITTAL REQUIREMENTS**

	Yes	No		
	X		1.	Complete application packet
	X		2.	Application fee
	X		3.	10 complete sets of full sized plans printed including color elevations, folded
	X		4.	Digital copies (PDF) of the completed application, plans, and legal description
N/A			5.	Copy of all covenants and restrictions applicable to the development, if applicable.
	X		6.	Sign posting affidavit.
V/A			7.	Evidence of the establishment of the agency for the ownership and maintenance of any common open space and all assurances of the financial and administrative ability of such agency or document dedicating the facilities to the city.
N/A			8.	<b>Deeds of dedication for all rights-of-way or easements</b> required as a result of preliminary development plan approval if conveyance thereof is not to be made by plat or by the filing of the final development plan.
V/A			9.	Evidence of satisfaction of any conditions of the preliminary development plan approval which were conditions precedent to consideration of the final development plan.
	X		10.	Final Stormwater Management Plan (2 printed and 1 digital copy)
√A			11.	Final Traffic Impact Study (TIS) as required by the Access Management Code. (2 printed and 1 digital copy)
				PLAN REQUIREMENTS
	X		1.	<b>Vicinity map</b> to scale with north point showing railroads, major streams or rivers, and public streets in the vicinity of the site. (Suggested scale of 1" = 1000'.)
	X		2.	<b>Boundary lines of the subdivision</b> shall be enclosed with one continuous bold line, showing approximate dimensions (bearings and distances).
	X		3.	<b>Scale, legend, and north arrow</b> clearly shown, with orientation at top or left as north (not less than 1"=100' scale).
	X		4.	Dates of plan preparation and/or plan revisions.
	X		5.	Ownership, zoning, and land use of the site and surrounding properties within 200 feet; both existing and proposed.
	X		6.	Names, addresses, and phone numbers of all companies, firms, or individuals involved in the preparation of the plan (i.e. developer, property owner, architect, landscape architect, planner, engineer, surveyor, etc.)
	X		7.	Setback lines: building and parking with dimensions in feet.



	Yes	No	8.	Setback lines: building and parking with dimensions in feet.
	X		9.	Lots and tracts identified clearly, with blocks numbered or lettered boldly and clearly in the center of the block, and lot dimensions with bearings and distances, and area in square feet and acres.
N/A			10.	Note on the plan indicating intended ownership, purpose, and maintenance responsibilities for any parcels labeled as tracts.
	X		11.	Setback lines: building and parking with dimensions in feet.
	X		12.	<b>Location of existing open space, alleys, parks, streams, ponds, vegetation</b> or other similar features within plan area, and whether they are to be retained or removed.
	X		13.	<b>Existing utilities</b> , including sanitary sewer, force main, water main, gas mains, culverts and storm sewer pipe, street lights, electric conduits, and invert elevations of sewers at points of proposed connection.
	X		14.	<b>Proposed street network</b> , including right-of-way, bearings, tangents, dimensions, and horizontal and vertical curvature data along the centerline of each street.
	X		15.	<b>All public streets within the plan conform</b> to the applicable minimum design standards set forth in the Land Development Code and Technical Specifications. Design of crosswalks, on street parking, shoulder, pavement and lane dimensions.
N/A			16.	Intersection site distance analysis.
	X		17.	<b>Driveways, parking lots and stalls, aisles, and loading</b> and service areas and docks and dimensions.
	X		18.	Median breaks and turning lanes, including sizes and radii; both existing and proposed.
	X		19.	<b>Vehicle maneuvering/turning templates</b> reflecting the site can accommodate a minimum SU-30 class vehicles (for emergency access to all areas of the site), and the appropriate site-design vehicle for any other special areas of the site (such as delivery or dock areas, etc.), as necessary.
	X		20.	Existing and proposed sidewalks and/or trail locations including proposed widths.
	X		21.	<b>Proposed utilities</b> , including approximate location of sanitary sewer, water main, and street lights.
	X		22.	<b>Existing and proposed easements</b> with dimensions. Existing easements shall be labeled with book and page number.
	X		23.	Any area within a federally designated floodplain. Location, stations, and elevations of the 100-year floodplain within the plan area and 100-year elevations at rear lot corners adjacent to FEMA and Shaded Zone X floodplains. The source of the floodplain information shall be clearly labeled (example: FIRM, Map #20091C0041D, September 27, 1991).
	X		24.	Stream corridor boundary and dimensions.
N/A			25.	Phasing Plan, if applicable.



Vaa	Ma						
Yes	No	26	5. Planned amenities, such as fountains, art, outdoor seating, waste receptacles, etc.				
X		27	7. Any buildings within the plan area which are existing or proposed, with status indicating including dimensions (i.e. to remain, remodel, new, to be demolished as part of Phase etc.).	ted ; 2,			
X		28	B. Distances between all buildings, between buildings and property lines, and between parking areas and property lines.	en			
X		29	Existing Topography and Proposed Grading of the area contained in the plan area a within 20 feet of the boundary shown by 2-foot contour intervals. Contour lines shall legible but not overpowering.	and be			
	7	30	Building elevations depicting the architectural style, size, exterior construction material and colors for each type of building proposed, and dimensions. If an architectural themse planned, elaboration on the intent and extent of the scheme and details shall be provide Elevations shall provide sufficient information to determine relationships between varied elements, building height, proportion, bedroom counts, approximate square footage, and Rooftop and ground-mounted mechanical equipment shall be shown on elevations.	e is ed. ous			
X		31.	. Screen walls, fences, trash enclosures, and mail kiosks (existing and propose including location, height, and materials.	ed),			
X		32.	Table indicating lots, land areas, buildings, number of stories, building coverage, a all other quantities relative to the submitted plan that are required to determine complian with City codes. For commercial buildings, indicate service floor areas and number of tens spaces, if applicable. For residential buildings, indicate dwelling units; if multiple build types, provide an additional table indicating dwelling units by building type.	nce ant			
X		33.	. Table indicating required and proposed parking spaces.				
X		34.	Landscaping plan and table indicating all proposed landscaping, noting common a botanical names, numbers, and planting sizes. Note all other areas to be sodded.	ind			
	X	35.	. All exterior sign locations. Include elevations and details.				
		36.	. All outside lighting facilities: Location, height, wattage, and type including shielding, buildings, parking lots and outdoor storage areas.	for			
	X	37.	. Outdoor storage areas, including location, dimensions and design.				
	X	38.	. Planned amenities, such as fountains, art, outdoor seating, waste receptacles, etc.				
X		39.	Preliminary design and location of all proposed storm drainage conveyance, detent and treatment facilities and locations of existing drainage facilities.	ion			
applica	hereby submit all information required for a site plan and design review, or final development plan application review. I understand that failure to provide the required information may result in a postponement of my request for review until all information has been submitted.						
	Cian	otur	re of Applicant Date				
//	Sign	aluí	re of Applicant Date				



#### **Community Development**

# **MEMORANDUM**

**TO:** Gardner Planning Commission

FROM: David Knopick, Community Development Director

**DATE:** February 22, 2021

**SUBJECT:** Regular Item 2: Consideration of proposed Title 17 Land Development Code

amendments (PUBLIC HEARING).

# **BACKGROUND**

Periodically the Governing Body or Planning Commission or staff, through the activities associated with the administration of Title 17 Land Development Code (LDC) of the Gardner Municipal Code, may identify the need to make text amendments to the LDC. The process to be used to consider and make such changes is prescribed as follows:

#### Section 17.03.110 Text Amendments

- A. **Applicability.** Text amendments to these regulations may be initiated by the Governing Body or the Planning Commission, or by staff on behalf of these entities.
- B. **Specific Procedures.** In addition to the general procedures in Table 3-1, and GMC <u>17.03.010</u>, applications for text amendments shall be processed according to the following specific procedures:
  - 1. Public Hearing. The Planning Commission shall hold a public hearing on all proposed amendments.
  - 2. Recommendations. Upon the conclusion of the public hearing, the Planning Commission shall prepare and adopt its recommendations in the form of a proposed development regulation and shall submit it with a record of the hearing to the Governing Body.
  - 3. Action by the Governing Body. When the Planning Commission submits a recommendation of approval or disapproval of such amendment and the reasons therefor, the Governing Body may:
    - a. Adopt. Adopt such recommendation by ordinance,
    - b. Override. Override the Planning Commission's recommendation by at least a two-thirds vote of the membership of the Governing Body, or
    - c. Return. Return such recommendation to the Planning Commission with a statement specifying the basis for the Governing Body's failure to approve or disapprove. If the Governing Body returns the Planning Commission's recommendation, the Planning Commission after considering the same may resubmit its original recommendation giving the reasons therefor or submit new and amended recommendations. Upon the receipt of such recommendation, the Governing Body by a simple majority thereof may adopt or may revise or amend and adopt such recommendation by ordinance or it need take no further action thereon. If the Planning Commission fails to deliver its recommendation to the Governing Body following the Planning Commission's next regular meeting after receipt of the Governing Body's report, the Governing Body shall consider such

LDC TEXT AMENDMENTS February 22, 2021 Page 1

- course of inaction on the part of the Planning Commission as a resubmission of the original recommendation and proceed accordingly.
- 4. Publication. If the Governing Body approves an application, it shall adopt an ordinance to that effect, but the ordinance shall not become effective until its publication in the official newspaper. (Ord. 2518 § 2 (LDC § 3.11))

Over the past few months staff has encountered several sections of the LDC that require adjustment, clarification or updating in the various chapters of the LDC. The proposed amendments were provided to the Planning Commission at the January 26, 2021 meeting. Subsequently, the proposed amendments have been reviewed by the City Attorney and a public hearing notice has been published.

# **PROPOSED AMENDMENTS**

Draft language related to potential changes is provided below and organized by chapter. A summary paragraph is provided in regard to the nature of the proposed amendments. After the summary paragraph the existing language from the LDC is provided in black font (language proposed to be remove is in black strikeout font) and proposed new language is provided in red font.

# **Chapter 17.01 General Provisions**

The proposed language in this section is related to the zoning of annexed land. The current language, which states that the zoning classification of property changes from the prior jurisdiction's zoning district to a corresponding City zoning district when the land is annexed into the City, is in conflict with State of Kansas court rulings / findings. Therefore, it is proposed that the following sections be changed to address the rezoning of annexed land and nonconformities resulting from such annexation and rezoning activities. The language provided below has been adjusted since it was provided to the Planning Commission on January 26, 2021 as a result of the City Attorney's review.

#### 17.01.030 Establishment of Districts

- C. Annexed Land All land which may be annexed to the City shall be classified as the corresponding district most similar to the zoning classification in effect under the prior jurisdiction, until otherwise changed in accordance with these regulations. (Ord. 2518 § 2 (LDC § 1.03))
  - 1. **Zoning Classification at the Time of Annexation.** Upon annexation, the City shall initiate a petition to rezone an annexed property to the zoning district most similar to the zoning classification in effect under the prior jurisdiction. Alternatively, an annexed property owner may request that the aforementioned city initiated rezoning petition be deferred and may initiate an application to rezone an annexed property to an appropriate district(s) associated with a development plan / plat for the property.
  - 2. Zoning Classification and Regulations After Annexation
    - a. Any owner of land within the area annexed may apply for rezoning under the laws and procedures of the City, and as granted by KSA 12-756 and 12-757, after the effective date of annexation.
    - b. If property annexed before the effective date of this Title is rezoned to a City zoning district, all zoning requirements and regulations of the City take effect, and the regulations of the prior zoning jurisdiction terminate, within the annexed area.
  - 3. **Enforcement.** The City may secure civil remedies for violations of prior zoning jurisdiction regulations to the same extent that it may secure civil remedies for violations of this ordinance pursuant to GMC 17.01.050.

#### 17.01.060 Nonconformances

- **E. Nonconformances Created by Annexation.** All nonconformances created as a result of the application of the corresponding zoning district at the time of annexation (per GMC 17.01.030 (C) (1)) shall be allowed to remain in place. Improvements to property, in support of the use of the property at the time of annexation, will be reviewed on a case-by-case basis and may allow for:
  - 1. An expansion of the nonconforming structure(s) or site condition(s) to which the improvement / investment is not greater than 50 percent of the appraised value of the property or applicable structure.
  - 2. An expansion of the nonconforming structure(s) or site condition(s) that is in closer conformance, than the condition that existed at the time of annexation, with the applicable zoning district requirements but not necessarily full compliance, to which the improvement / investment is not greater than 50 percent of the appraised value of the property or applicable structure.

Such case-by-case determinations shall be made by the Director with appeals of such determinations going to the Planning Commission.

# **Chapter 17.02 Definitions**

Current and past staff, through previous review of the LDC, identified the need for clarification of several existing definitions and the addition of a few new definitions to assist with the administration / interpretation of the regulations.

# **17.02.010 Definitions**

All terms used in these regulations shall have their commonly accepted meaning based upon the context of their use within this Code. The following terms shall have the meaning given below, unless more specifically described, limited or qualified within the standards of this Code.

#### A

Accessible in reference to a lot, means one or both of the following: 1) having a driveway (or an area for a driveway) that provides vehicular access to an existing street; and/or 2) having a public or private access easement that provides vehicular access, or shared vehicular access, to an existing street while meeting all applicable access location and design standards.

ADA Ready refers to a building that is more easily retrofitted for future ADA compliance including features such as: 1) Zero level entry, 2) Bathrooms large enough to achieve ADA compliance, and 3) Hallways and doorways that are framed for ADA compliant widths.

#### В

Block means a piece or parcel of land entirely surrounded by public highways or / streets, other than alleys, or bounded by the presence or a combination of other features such as parks / open spaces, cemeteries, railroad or other utility rights-of-way, exterior boundaries of a subdivision or other existing development, shorelines, and/or corporate boundaries. In cases where the platting is incomplete or disconnected, or the development pattern proposed as the result of curvilinear streets, cul-de-sacs or other features creates a scenario which does not meet the definition of a block, the Director shall determine the outline of the block.

#### L

Landscape area means an area that is designed and maintained for landscape plantings. Landscape areas may include nonplant landscape features and be surfaced with mulch or rock; however, areas without living plants shall not be considered landscape areas. For the purposes of the Land Development Code xeriscaping features and direct pedestrian walks from front entries to public sidewalks are considered to be part of the landscape area.

P

*Parking block* means a grouping of parking spaces with edges that are defined by landscape areas. Parking blocks may include a variety of different configurations of parking spaces (per Table 9-6 GMC 17.09.040 (B)).

S

*Small Format Home(s)* generally refers to housing types which are smaller than 1,500 square feet. Such homes may be traditional stick-built, manufactured, mobile, modular, or tiny houses, but do not include recreational vehicles or travel trailers.

Street Tree means a tree placed in the public right-of-way along the street which may be in front or behind a sidewalk, or within a designated landscape tract or easement adjacent to a public roadway. Typical location is identified as Frontage (A) in Figure 8-1 of GMC section 17.08.030.

T

Tree, Street see Street Tree above.

# **Chapter 17.03 Applications and Procedures**

Last September the Planning Commission heard a case related to a mobile home community. As part of the case there were two issues related to the LDC that were identified. The first issue was related to the length of time a conditional use permit shall be valid. The proposed language changes to Section 17.03.050 are intended to address the establishment of a period of time associated with a conditional use permit and the allowance for an extension of such permit.

In regard to the administrative adjustment process there has been some confusion related to the use of this terminology and when the Director is authorized to make administrative adjustments and when the Planning Commission is authorized to do so. The suggested changes clarify the role of the Director and the Planning Commission, and provide additional flexibility to both in regard to the consideration of administrative adjustments. Since January 26, 2021 a minor adjustment has been made to the language associated with the administrative adjustment amount allowed.

# 17.03.050 Conditional Use Permit

A. **Applicability.** A conditional use permit provides flexibility for different uses within a zoning district and allows the potential for additional uses under certain conditions. Due to the varying design and operational characteristics of the use or due to conditions in the area where the use is proposed, these uses are not generally appropriate in that district, but may be considered through a case-specific review to determine the compatibility in a specific context and location.

Conditional use permits may be initiated by the owners or authorized agents of any property affected. In addition to the general requirements in Table 3-1 and GMC <u>17.03.010</u>, the following requirements are specific to conditional use applications.

B. **Review Criteria.** A conditional use permit shall be reviewed according to the following criteria:

- 1. The application furthers the intent of the proposed zoning district and does not conflict with the intent of any abutting districts.
- 2. Compliance of any proposed development with the requirements of this Code.
- 3. Whether any additional site-specific conditions are necessary to meet the purposes and intent of this Code and the intent or design objectives of any applicable subsections of this Code.
- 4. The impact on the public realm, including the design and functions of streetscapes and relationships of building and site elements to the streetscape.
- 5. The adequacy of drainage, utilities and other public facilities.
- 6. Compatibility with the character of the area in terms of building scale, building form, landscape and site design.
- 7. Compatibility with the area in terms of operating characteristics such as hours of operation, visible and audible impacts, traffic patterns, intensity of use as proposed or foreseeable, and other potential impacts on adjacent property.
- 8. The application will not prevent development and use of the neighboring property in accordance with the applicable development regulations.
- 9. The long range plans applicable to the site and surrounding area are not negatively impacted considering the permanence of the proposed use, the permanence of existing uses in the area, and any changes in character occurring in the area.
- 10. The recommendations of professional staff.
- C. **Effect of Decision.** Approval of a conditional use permit by the Governing Body shall authorize the applicant to apply for a building permit, and other applicable permits, and establish the conditional use. Approval shall be valid for two years a period of time determined through the review process and the Governing Body may grant a one year extension; provided, that approvals for communication facilities for wireless services shall be for a term of not less than 10 years. Any application not acted upon according to the approval and conditions within 1 year of approval this time period shall be void; although the Governing Body may grant a one-time one year extension if justified. Any amendment to a conditional use permit shall require the same process as the original approval. (Ord. 2546 § 1; Ord. 2518 § 2 (LDC § 3.05))

# 17.03.080 Administrative Adjustments

- A. **Applicability.** The administrative adjustment process is intended to provide flexibility for application of specific standards to sites where it is clear that an alternative approach with minor or de minimis modifications of the standards will equally or better meet the purpose, intent or design objectives of these regulations. Specifically it applies to:
  - 1. Altering a building standard, such as setback, area or height by less than five percent of the stated standard.
  - 2. Reducing a site design standard, such as a landscape requirement, parking quantity or location, open space requirement or dimension by less than 10 percent of the required standard.
  - 3. Deviating from any building design standard, where an alternative "equal or better" standard is proposed by the applicant.
  - 4. In any of these cases the adjustment cannot create conflicts with any other applicable standard.
- B. **Specific Procedures and Allowances.** Applications for administrative adjustments shall follow the same procedures required for a site plan and design review or administrative site plan,

whichever is applicable. In administrative site plan cases where the Director is the decision authority, administrative adjustments may be granted by the Director. In the case of site plan and design review where the Planning Commission is the decision authority, administrative adjustments may be granted only by the Planning Commission.

- 1. Administrative Site Plan cases:
  - a. Altering a building standard, such as setback, area or height by up to 10% of the stated percent (e.g. the stated percent is 30% then the adjustment allowed is up to 3 percentage points) or numeric (e.g. the stated number is 30 then the adjustment allowed is up to 3) standard respectively.
  - b. Reducing a site design standard, such as a landscape requirement, parking quantity or location, open space requirement or dimension by up to 10% of the stated percent (e.g. the stated percent is 30% then the adjustment allowed is up to 3 percentage points) or numeric (e.g. the stated number is 30 then the adjustment allowed is up to 3) standard respectively.
  - c. Deviating from any building design standard, where an alternative "equal or better" standard is proposed by the applicant.
- 2. Site Plan and Design Review cases:
  - a. Altering a building standard, such as setback, area or height by up to 20% of the stated percent (e.g. the stated percent is 30% then the adjustment allowed is up to 6 percentage points) or numeric (e.g. the stated number is 30 then the adjustment allowed is up to 6) standard respectively.
  - b. Reducing a site design standard, such as a landscape requirement, parking quantity or location, open space requirement or dimension by up to 20% of the stated percent (e.g. the stated percent is 30% then the adjustment allowed is up to 6 percentage points) or numeric (e.g. the stated number is 30 then the adjustment allowed is up to 6) standard respectively.
  - c. Deviating from any building design standard, where an alternative "equal or better" standard is proposed by the applicant.
- C. **Review Criteria.** In considering an administrative adjustment, the Director and Planning Commission shall find that the following criteria are met.
  - 1. The relief requested is compatible with the surrounding area in terms of building scale, building form, and landscape and site design.
  - 2. The relief requested supports the intent and applicability of the zoning district.
  - 3. The relief requested is based upon sound planning and urban design principles that are consistent with the intent and objectives behind the applicable standard.
  - 4. Compliance with the standard is not practical due to some factors specific to the site or context.
  - 5. The relief requested is not strictly for the convenience of the applicant or a specific tenant, and is the minimum necessary to result in the best design for the site.
  - 6. The relief requested produces no perceived impact on the adjacent property or public realm, than would otherwise occur if the standard were met.
  - 7. The relief requested may be limited to specific conditions, or proposed alternatives that equally or better meet the intent of the applicable standard.
  - 8. In the case of any specific standard where exceptions or alternative compliance is identified in this Code, the relief shall be limited only to the extent identified with that standard. (Ord. 2518 § 2 (LDC § 3.08))

# **Chapter 17.05 Zoning Districts and Use Standards**

The second issue previously identified in relation to a mobile home community was the requirement of a conditional use permit for a manufactured / mobile / micro home community within the only zoning district which allows such use. The RM-P Residential Manufactured and Mobile Home Planned District is a special district that addresses a variety of development standards per Section 17.06.020. The proposed adjustment would change such use from a conditional use to a permitted use in the RM-P district subject to the standards in Section 17.06.020.

The second set of proposed changes has to do with the placement of temporary offices at residential construction and development sites. Recently staff has received an inquiry regarding the placement of such an office on a residential development site. Such an office would be considered a temporary use and as such would not be allowed in a residential zoning district. The potential changes would allow the placement of temporary construction / sales offices on residential construction / development sites in residential districts within the parameters outlined. Minor language adjustments have been made since January 26, 2021 to clarify that such offices are in support of residential development.

#### 17.05.030 General Use Standards

A. **Permitted Uses.** In order to implement the intent of each zoning district, facilitate complementary transitions between districts, and to regulate a variety of compatible uses within zoning districts, use categories and general uses have been established for principal uses of land and buildings. Table 5-2 indicates permitted uses (P) subject to general district and building type standards, permitted accessory uses (A) subject to specific accessory use standards, temporary uses (T) subject to limited permits, and conditional uses (C) subject to the discretionary review process in GMC <u>17.03.050</u>. All uses may be subject to more specific standards, limitations and performance criteria as identified by an asterisk in Table 5-2 and in GMC <u>17.05.040</u>, <u>17.05.050</u> and Chapter <u>17.11</u> GMC. Use categories, general uses and specific types of uses are more specifically described in subsection (B) of this section.

Table 5-2: Use Table																
	<b>Residential Districts</b>							Nonresidential Districts								
	A	DE	R-	R-	R-	R-	R-	RM-	C-	CO-	C-	C-	C-	M-	<b>M</b> -	DEC
		KE .	1	2	3	4	5	P	0	A	1	2	3	1	2	KEC
RESIDENTIAL DWELLINGS	}															
Manufactured/Mobile/Micro Home Community								CP*								
Temporary Use (See Section 17.05.050 Y)	T*								T*	T*	T*	T*	T*	T*	T*	T*

# 17.05.050 Specific Use Standards

- **Y. Temporary Use.** Where temporary are permitted (as indicated in Table 5-2), all of the following standards shall be met:
- 4. No portion of the temporary use, or accessory activities associated with the temporary use, shall be located within 30 feet of the property line of an existing residence or a residentially zoned district except for the following:-

- a. Temporary Offices at Residential Construction / Development Sites may be placed within a residentially zoned district (see item 8 below) subject to applicable setbacks and separation distances.
- 8. The duration of the temporary event / use shall be limited as follows (does not apply to Food and Beverage Mobile uses):
  - a. Special events no more than seven days.
  - b. General merchandise sales or services no more than seven days.
  - c. Seasonal sales no more than 90 days.
  - d. Temporary Offices at Construction / Development Sites
    - 1. May be used on the site of a construction / development project if they are removed upon completion of the project. A temporary use permit and building permit is required for all temporary offices.
    - 2. In residential districts, any temporary offices may only be located in a model home and must cease upon the issuance of a certificate of occupancy for the last residential dwelling unit for the subdivision or project or, in the case of a subdivision or project for which approval has been given for phased development, for the last dwelling unit for that phase.
    - 3. Temporary trailers may be used for temporary construction / sales offices associated with residential development, but the placement of such cannot occur until a building permit for a model home is issued and the trailer is allowed only until the model home is completed. All trailers shall be removed once the model home is completed and ready for use.
  - de. Or other appropriate administrative limitation based on the specific use and context of the proposed location.

# **ACTION / RECOMMENDATION**

Planning Commission shall conduct a public hearing, as published, per Section 17.03.110 in order to consider public comment related to the proposed text amendments. After closing the public hearing the Planning Commission shall discuss the proposed amendments and make a motion to recommend one of the following:

- 1. Approval of the proposed amendments as presented, or
- 2. Approval of the proposed amendments with modifications, or
- 3. Disapproval of the proposed amendments.

Planning staff recommends that the Planning Commission recommend approval of the proposed amendments and forward such recommendation to the Governing Body.